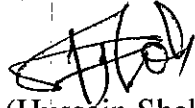


27.08.2019

None present on behalf of the appellant. Mr. Farhaj Sikandar, District Attorney for the respondents present. The Court time is about to over but none appeared on behalf of the appellant nor the appellant was present in person therefore, the present service appeal is dismissed in default. File be consigned to the record room.

ANNOUNCED

27.08.2019



(Hussain Shah)

Member

Camp Court D.I.Khan



(Muhammad Amin Khan Kundi)


Member

Camp Court D.I.Khan

suspension order passed by this Tribunal on 27.05.2019.

On the other hand, learned counsel for the appellant opposed the contention of learned counsel for the respondents and contended that the appellant is serving as Patwari in Halqa Malana District D.I.Khan since 27.08.2017 therefore, his normal tenure of two years is not yet completed. It was further contended that the appellant has been transferred before completion of his normal tenure and if the stay order granted by this Tribunal is vacated, then the appeal in hand will be become infructuous. It was further contended that the appellant has been transferred due to political influence therefore, the impugned order dated 16.05.2019 is malafide and a strong prima-facie case exist in the favour of the appellant therefore, it was contended that the application for vacation of stay order filed by the respondents may be dismissed.


Perusal of the record reveals that the appellant has challenged the transfer order dated 16.05.2019 in service appeal whereby the appellant has been transferred from Halqa Malana D.I.Khan to Halqa Saggu D.I.Khan. The record further reveals that the appellant is serving as Patwari in Halqa Malan D.I.Khan since 25.07.2017 and has served one year and eight months on this station as admitted by the appellant in para-2 of the appeal. Meaning thereby that the tenure of the appellant at Halqa Malana D.I.Khan is almost about to be completed. Moreover, under Section-10 of the Civil Servant Act, the competent authority is empowered to transfer any civil servant from one place to another at any time in exigency of service or on administration ground and civil servant could not claim posting at particular station or at a place of his choice therefore, the appellant is not entitled for interim relief of stay order, hence, the vacation application filed by the private respondent No. 5 is accepted and the stay order granted by this Tribunal on 27.05.2019 stand vacated. File to come up for rejoinder and arguments on 27.08.2019 before D.B at Camp Court D.I.Khan.


(M. AMIN KHAN KUNDI)
MEMBER
CAMP COURT D.I.KHAN

Service Appeal No. 697/2019

25.06.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Learned counsel for private respondent No. 5 submitted written reply. Learned District Attorney requested for time to submit written reply on behalf of official respondents No. 1 to 4. Case to come up for written reply/comments on behalf of official respondents No. 1 to 4 on tomorrow i.e 26.06.2019 before S.B at Camp Court D.I.Khan. The restraint order already granted by this Tribunal vide order sheet dated 27.05.2019 shall remain continue till the date fixed.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

26.06.2019

Appellant alongwith his counsel present. Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 4 and private respondent No. 5 alongwith his counsel present. Written reply on behalf of official respondents No. 1 to 4 submitted. Written reply on behalf of private respondent No. 5 has already been submitted.

My this order shall dispose of application for setting-aside/vacation of stay order granted by this court on 27.05.2019.

Brief facts of the case are that the appellant is serving as Patwari in Revenue Department. He was transferred from Halqa Malana D.I.Khan to Halqa Saggu D.I.Khan vide order dated 16.05.2019 by the Assistant Commissioner D.I.Khan on the direction of high-ups. The appellant filed departmental appeal to Deputy Commissioner on 17.05.2019 which was dismissed vide order dated 20.05.2019 hence, the present service appeal on 27.05.2019.

On 27.05.2019, the appeal was admitted for regular hearing and the impugned transfer order was also suspended by Tribunal till next date and the case was adjourned for 25.06.2019. However, the private respondent

submitted application for early hearing and vacation of stay order before the Hon'ble Chairman of the Tribunal on 10.06.2019 and the Hon'ble Chairman Tribunal fixed the date for 25.06.2019 with the direction to issue notice for vacation of stay to other party.

Learned counsel for private respondent No. 5 contended that the appellant is serving as Patwari in Halqa Malana D.I.Khan since 25.07.2017. It was further contended that the tenure of the appellant has been almost completed. It was further contended that the impugned transfer order was passed by the Assistant Commissioner D.I.Khan on the direction of the high-ups as revealed from the impugned order therefore, the appellant was required to file departmental appeal before the Commissioner but the appellant filed departmental appeal to Deputy Commissioner D.I.Khan and the said departmental appeal was dismissed vide order dated 20.05.2019. It was further contended that the appellant also filed departmental appeal to Commissioner who also rejected the same on 29.05.2019 as revealed from the copy of departmental appeal filed by the appellant and order of Commissioner annexed by the respondents with the written reply but the appellant has concealed this facts in service appeal. It was further contended that under Section-10 of the Civil Servants Act, the competent authority has empowered to transfer a civil servant before completion of normal period. It was further contended that civil servant could not claim posting at a particular station or post at the place of his choice. It was further contended that three ingredients prima-facie, balance of convenience and irreparable loss is necessary for grant of status-quo but the same does not co-exist in the appellant appeal therefore, application filed by the respondents for vacation of stay order granted by this Tribunal on 27.05.2019 may be accepted and the suspension order passed by this Tribunal on 27.05.2019 may be set-aside.

Learned District Attorney also supported the arguments of learned counsel for private respondent and contended that neither the appellant has challenged the departmental authority i.e Commissioner D.I.Khan order passed on departmental appeal nor the appellant has impleaded departmental authority i.e Commissioner as party in the service appeal therefore, the present service appeal is not maintainable and prayed for vacation of

M. Amin

25.06.2019

27.05.2019

Appellant alongwith counsel present.

Contends , inter-alia , that on 19.04.2019 a posting/transfer order was made by respondent No. 2/Deputy Commissioner D.I.Khan, whereby the appellant was transferred from Halqa Malana to Saddar Office. The said order was withdrawn by respondent No. 4 on 24.04.2019, however, on 16.05.2019 the said respondent issued another transfer order whereby the appellant was transferred to Halqa Saggi. The said impugned transfer was on the one hand made by an officer who was not competent for the purpose and, on the other, was in violation of transfer/posting policy of the Provincial Government. In the said regard learned counsel referred to the charge assumption report dated 25.07.2017 whereby the appellant had assumed charge in Halqa Malana. It was contended that the normal tenure of posting of a civil servant was two years while the appellant was re-transferred before the completion of such period for no good reason. The impugned transfer order was, therefore, unlawful and not sustainable, it was added.

In view of the available record and averments of learned counsel, 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 25.06.2019 before S.B at camp court, D.I.Khan

The appeal is accompanied by an application for suspension of order No. 602/A.C dated 16.05.2019. Notice of the application be also given to the respondents for the date fixed. Till next date of hearing the operation of order dated 16.05.2019 passed by respondent No. 4 shall remain suspended.

Appellant Deposited
Security & Process Fee

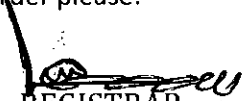

27/5/19


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 697/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/05/2019	<p style="text-align: center;">The appeal of Mr. Jamil Ahmad presented today by Mr. Ghulam Hurr Khan Baloch 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 27/5/19</p>
2-	27/05/19	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE HON'BLE PROVINCIAL SERVICE TRIBUNEL KPK PESHAWAR

Appeal no. 697/2019

Jamil Ahmad

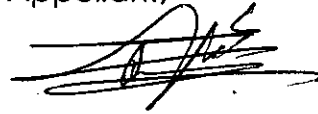
Versus

Govt of KPK

I N D E X

S.No.	Particulars	Annexure	Page No.
1	Stay Petition & Affidavit, Grounds of Appeal & Affidavit	-	1 - 7
2	Copies of office orders for appointment of Respondent No. 05, posting / transfer and cancellation orders	A/1, A/3	8 - 10
3	Copy of impugned transfer order	B	11
4	Copy of departmental Appeal/representation and impugned order	C, D	12 - 13
5	Wakalatnama	-	14

Appellant,



Jameel Ahmad
Through Counsel

Dated: 25.05.2019

Ghulam Hurr Khan Balouch
Advocate Supreme Court of Pakistan

(1)

BEFORE HON'BLE PROVINCIAL SERVICE TRIBUNEL KPK PESHAWAR
In C.M.No. of 2019

Jamil Ahmad

V e r s u s

Govt of KPK

Application for Suspension of impugned order NO. 602/AC dated: 16.05.2019 as well as Impugned Order Dated 20.05.2019 passed by Respondent No. 03 & 04 till the decision of the above titled Appeal.

Respectfully Sheweth.

1. That Petitioner has filed the above titled appeal and are very much hopeful of its success being based on solid legal grounds. The contents of the Petition may be considered as part of the Appeal.
2. That Petitioner has a good prima facie case and the balance of convenience also lies in favour of the Petitioner.
3. That the impugned orders ibid. are on the face of it is perverse and illegal and liable to be set aside. If the impugned orders are not suspended then the main appeal of the Petitioner will be infructuous and the Petitioner will suffer irreparable loss.

In view of the above submissions, it is requested that the instant petition may kindly be accepted.

Petitioner,



Jameel Ahmad
Through Counsel

Dated: 25.05.2019

Ghulam Hurr Khan Balouch
Advocate Supreme Court of Pakistan

2

BEFORE HON'BLE PROVINCIAL SERVICE TRIBUNEL KPK PESHAWAR

Jamil Ahmad

Versus

Govt of KPK

AFFIDAVIT

I, **Jamil Ahmad** S/O Bashir Ahmad Resident of Hanif Abad Diyal road District D.I.Khan Appellant, do hereby solemnly affirm and declare on oath that the contents of Stay Petition are true and correct to my best knowledge and belief and nothing has been concealed from this Hon'ble Court.

12101-1894919-3

Deponent

Dated: 25.05.2019

Identified by



Ghulam Hurr Khan Balouch
Advocate Supreme Court of Pakistan

3

BEFORE HON'BLE PROVINCIAL SERVICE TRIBUNEL KPK PESHAWAR

Appeal no. 697/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 808

Dated 27/5/2019

Jamil Ahmad
S/O Bashir Ahmad
Resident of Hanif Abad Diyal Road Tehsil & District D.I.Khan.

Appellant

V E R S U S

1. Govt of Khyber Pakhtunkhwa through Senior Member Board of Revenue Peshawar.
2. Collector/ Deputy Commissioner D.I.Khan.
3. Additional Assistant Commissioner-1 D.I.Khan.
4. Assistant Commissioner D.I.Khan.
5. Ejaz Ul Wahab Patwari Halqa Saggi D.I.Khan.

Respondents

APPEAL U/SEC 4 OF NWFP SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER NO. 602/AC DATED 16.05.2019 VIDE WHICH THE APPELLANT STANDS TRANSFERRED FROM HALQA MALLANA TO HALQA SAGGU AND RESPONDENT NO. 05 TRANSFERRED FROM HALQA SAGU TO HALQA MALLANA, PASSED BY THE INCOMPETENT AUTHORITY, DISREGARD OF THE RULES, AND WITHOUT OBSERVING THE LEGAL REQUIREMENTS AND HIS DEPARTMENTAL APPEAL STAND DISMISSED VIDE IMPUGNED ORDER DATED: 20.05.2019.

Filed to-day

Registrar Respectfully sheweth: -

1. That the appellant is serving as Patwari since 14.07.2010 in the Revenue Department without leaving any stone unturned. Moreover the superiors of the Appellant are satisfied from the

performance of the Appellant and there is no complaint against the Appellant from General Public.

2. That the Appellant is working as Patwari Halqa Malana Tehsil Parova D.I.Khan since 25.07.2017 and have serviced 01 year and 08 months on this station while as per Govt Policy as well as Service rules, the tenure for transfer/posting is 03 years.
3. That a newly appointed most junior Patwari / Respondent No. 05 has tried his best to get his transfer against the Patwar Halqa of Malana and in this regard, on the basis of Political influence a office order bearing No. 1291/DC(DK) dated: 19.04.2019 was issued but the same has been withdrawn vide office order No. 486/AC DIK/F-32-A dated: 24.04.2019. Copies of office orders for appointment of Respondent No. 05, posting / transfer and cancellation orders are enclosed as **Annexure "A/1 to A/3"**.
4. That once again on the basis of political influence the Respondent No. 05 vide impugned order No. 602/AC dated: 16.05.2019 got successful to obtain the transfer order of the Appellant and in this way he has been transferred at Halqa Malana and the Appellant has been transferred to Halqa Saggi. Copy of impugned order is enclosed as **Annexure "B"**.
5. That aggrieved from the impugned transfer order, the Appellant having no other alternate remedy and was constrained to challenge the same through representation through proper channel, which has wrongly been dismissed vide order dated: 20.05.2019. Copy of departmental Appeal/representation and impugned order are enclosed as **Annexure "C, D"**.
6. That feeling aggrieved from the impugned transfer order as well as dismissal of Departmental representation, the Appellant respectfully approaches this Hon'ble Tribunal for the redressal of his grievance interalia on the following main grounds.

GROUND S :-

1. That the impugned order is void, illegal, Coram non judice, unsustainable and without jurisdiction.
2. That while passing the impugned order, Respondent No. 03 has not applied his legal mind and illegally dismissed the representation of the Appellant. He has wrongly mentioned that the authority has unfettered powers to pass any order for transfer without assigning any reason. In this respect it is submitted that there is no enquiry or any complaint against the Appellant and under the law, there are some restrictions for transfer / posting of public servant and his term of tenure at one station. Similarly as per law, while passing any office order, the competent Authority is duty bound to pass a speaking

5

order and the same has to be passed in the public interest and not to accommodate the political personalities. The checkered history of transfer and its cancellation speaks volumes about unfair and biased attitude of the office bearers. Hence entire actions of Respondent No. 03 & 04 are unwarranted under the law and misuse of his authority, thus the impugned orders are void and also the dismissal of departmental representation of the Appellant vide order dated: 20.05.2019 is also illegal unlawful and without jurisdiction and the same is liable to be set aside. Hence from the date of dismissal of representation the instant appeal is well within time.

3. That before passing the impugned order, legal requirements of law has not been fulfilled nor the Appellant has been afforded any opportunity of being heard.
4. That no chance of personal hearing was afforded to the Appellant before dismissing the representation of the Appellant vide the impugned order, hence on this score alone the impugned order dated: 20.05.2019 is liable to be set aside.
5. That the Appellant is not treated in accordance with law. He has been virtually deprived of his right to life as guaranteed under Article 9 and other enabling provisions of the Constitution of Islamic Republic of Pakistan 1973.
6. That the Appellant has been politically victimized at the whims of political figures because they were keenly interested in transfer /posting their kith and kins, therefore they took undue advantage of their own position and crowned successful in transferring the Appellant illegally. The entire actions of the Respondents is totally illegal, unwarranted by law and direct encroachment in the affairs of civil service.
7. That the impugned action of the Respondents are highly illegal, discriminatory, supra Constitutional, against the principles of natural justice, without lawful authority and of no legal effect.
8. That the Appellant has been treated in discriminatory manner and the Respondents have malafidly transferred the Appellant.
9. That the Counsel for the Appellant may kindly be allowed to take any other plea at the time of arguments.

In wake of submissions made above it is respectfully prayed that by accepting this Appeal, the impugned transfer order and thereafter dismissal order for representation of the Appellant may kindly be set aside and the Appellant may kindly be allowed to continue at

6

his service at Halqa Malana in the interest of justice and equity.

This Hon'ble Tribunal may kindly grant any other relief if deem fit.

Appellant,



Jameel Ahmad
Through Counsel

Dated: 25.05.2019

Ghulam Hurr Khan Balouch
Advocate Supreme Court of Pakistan

7

BEFORE HON'BLE PROVINCIAL SERVICE TRIBUNEL KPK PESHAWAR

Jamil Ahmad

Versus

Govt of KPK

AFFIDAVIT

I, **Jamil Ahmad** S/O Bashir Ahmad Resident of Hanif Abad Diyal road District D.I.Khan Appellant, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to my best knowledge and belief and nothing has been concealed from this Hon'ble Court.

12101-1894919-3

Deponent

Dated: 25.05.2019

Identified by



Ghulam Hurr Khan Balouch
Advocate Supreme Court of Pakistan



OFFICE OF THE
DEPUTY COMMISSIONER
DERA ISMAIL KHAN

Phone #: 0966-9280116 / Fax #: 0966-9280110
Email ID: deputycommissioner.dik@gmail.com

A/
⑧
Attested
in presence of
Ismail Khan

OFFICE ORDER

The following newly appointed patwaris by this office order No.237/DC(DK) dated 08.02.2019 are hereby posted against the vacant posts in the best public interest.

S.NO	NAME OF PATWARIS	PATWAR HALQAS	NAME OF TEHSIL
1.	Muhammad Farooq	Budhani	DIKhan
2.	Muhammad Ikram	Jhoke Basharat	DIKhan
3.	Muhammad Jahangir	Sikandar Janubi	Paroa
4.	Liaqat Ali	Ghumsan	Paroa
5.	Inayatullah	Kirri Shamoza	Paroa
6.	Muhammad Irfan	Gandi Essab	Daraban
7.	Zeeshan Latif	Gara Tarkhoba	Daraban
8.	Ijaz-ul-Wahab	Saggu	Daraban
9.	Muhammad Ashraf	Shah Alam	Daraban
10.	Najaf Ali	Naib Office Kanungo Kulachi	Kulachi
11.	Qamar-ud-din	Kot Sultan	Kulachi
12.	Ahsanullah	Kulachi Sharqi	Kulachi
13.	Yasir Mehmood	Nadar Badar	Kulachi
14.	Muhammad Saqib	Kot Zafar Baladasti	Kulachi
15.	Muhammad Shareef	Naib Office Kanungo Paharpur	Paharpur
16.	Samiullah	Malla Khel	Paharpur
17.	Muhammad Khalid	Umar Khel	Paharpur
18.	Saif-ur-Rehman	Saidu Wali	Paharpur
19.	Hashim Ali Khan	Kot Lodhiyan	Paharpur

Bavina
DEPUTY COMMISSIONER,
DERA ISMAIL KHAN

Dated DIKhan the 13/2/2019

No. 99/DC(DK)

Copy forwarded to the:

1. Commissioner, DIKhan Division, DIKhan.
2. Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. Director Land Record, Khyber Pakhtunkhwa, Peshawar.
4. District Account Officer, DIKhan.
5. Additional Deputy Commissioner, DIKhan.
6. All Assistant Commissioners/Add.: Assistant Commissioners in District DIKhan.
7. Bill Clerk, DC Office, DIKhan.
8. Official concerned for compliance.

Bavina
DEPUTY COMMISSIONER,
DERA ISMAIL KHAN



OFFICE OF THE
ASSISTANT COMMISSIONER
DERA ISMAIL KHAN

Phone #: 0966-9280117 / Fax #: 0966-9280115

A/3
10
Arshad
Arshad

No. 486 /AC DIK/F-32-A

Dated 26/04 /2019

OFFICE ORDER:

I am directed by the Competent Authority (Deputy Commissioner, DIKhan) that transfer orders bearing No.219/SK dated 19-04-2019, No.220/SK dated 19-04-2019, No.221/SK dated 19-04-2019, No.1291/DC(DK) dated 19-04-2019 and No.1293/DC(DK) dated 19-04-2019 may be treated as withdrawn with immediate effect in best public interest.

Arshad

ASSISTANT COMMISSIONER,
DERA ISMAIL KHAN

Endst: No & date even.

Copy forwarded to the: -

1. Commissioner DIKhan Division DIKhan.
2. Deputy Commissioner, DIKhan.
3. Additional Deputy Commissioner, DIKhan.
4. Tehsildar, DIKhan.

Seen
Dea
DK
24/4

Arshad

ASSISTANT COMMISSIONER,
DERA ISMAIL KHAN



OFFICE OF THE
ASSISTANT COMMISSIONER
DIKHAN
Phone/Fax #: 0966-9280117-480

B
①①

*Attached
in Patwaris*

No 602 /AC

Dated Dikhan the 16/05/2019

OFFICER ORDER:

I am directed to issue the transfer order of the following Patwaris as mentioned against their names with immediate effects in the best interest of the public/government work.

The following patwaris are hereby transferred and posted on Halqa's as mentioned against their names with immediate effects:

S.No.	Name of Patwari	From	To
1.	Mr. Ejaz Ul Wahab	Halqa Saggu	Halqa Mallana
2.	Mr. Jameel Ahmad	Halqa Mallana	Halqa Saggu.

A. H. Khan

ASSISTANT COMMISSIONER,
DERA ISMAIL KHAN.

Copy Forwarded to:-

1. The Deputy Commissioner, Dikhan.
2. The Tehsildar, Dikhan.
3. The Naib Tehsildar, Paroa.

A. H. Khan

ASSISTANT COMMISSIONER,
DERA ISMAIL KHAN.

To

The Deputy Commissioner,
Distt; D.I. Khan.

12
Attest

SUBJECT: DEPARTMENTAL APEAL.

Respected Sir,

It is submitted that appellant is serving as Patwari since 14.07.2010 under your kind control and all the higher-ups i.e Assistant Commissioner Paroa and Naib Tehsildar Paroa are satisfied with my performance because appellant is performing his duties very well and his behavior and attitude towards the General public is very good and no complaint is launched against the appellant in his tenure while no inquiry is pending upon the appellant. The record of appellant is well maintained and all Government dues are deposited into Government treasury well in time.

The appellant is working as Patwari Halqa Malana Tehsil Paroa since from 25.07.2017 and have served 01 year and 08 Month on this patwar Halqa Malana while as per policy of Government Servant Rules, the tenure of transfer/posting is 03 years.

A newly appointed most junior Patwari Mr. Ijaz ul Wahab is trying to transfer posted on my halqa Malana during my tenure several time through political interference which is against the rules/regulation of Government transfer posting policies while He is appointed as patwari since 02 Months before in recent DPC and he is already in his probation period and he is involved in political interference which is violation of rules/ laws.

His transfer/posting order were issued on this patwar Halqa Malana vide No. 1291/DC(DK) dated 19.04.2019 through political interference (Copy attached) which was cancelled vide No. 486/AC DIK/F-32 A dated 24.04.2019 (Copy attached).

Once again, Mr. Ijaz ul Wahab patwari Halqa Saggu transfer/posted through political interference on my halqa during my tenure of service on this halqa Malana vide No. 602/AC dated 16.05.2019 (Copy attached).

As per policy of Government Rules, the maximum time limit for each transfer/posting is 03 years while I am working on this Patwar Halqa Malana since 01 Year and 08 Months and approximately 01 year and 04 Months tenure is left but said patwari is trying to disturb my mental abilities as well as my work during my tenure through political interference.

In view of above, it is my humble request that the transfer/posting order No. 602/AC dated 16.05.2019 (Copy attached) may please be cancelled according to Government Rules/Laws, please.

Your Humble Appellant,

Jamil Ahmad
Patwari Halqa Malana,
DIKhan

17/5/2019

Order Sheet
20.05.2019

*Applied
in person*

D
13

With the approval of worthy Deputy Commissioner, DIKhan, the Assistant Commissioner, DIKhan issued the transfer/posting orders vide No. 602/AC dated 16.05.2019 through Mr. Ijaz ui Wahab patwari have transferred from Patwar Halqa Saggi to Patwar Halqa Malana and Mr. Jamil Ahmad Patwari have transferred from Patwar Halqa Malana to Patwar Halqa Saggi through proper forum and competent authority have the powers to issue transfer/posting orders at any time of tenure without any specific reason.

So in view of above, your appeal is rejected and dismissed in the best public interest please.

20/5/19
Additional Assistant Commissioner-I
Dera Ismail Khan
Additional Assistant
Commissioner-I / Assistant
Collector 1st Grade

GHULAM HUR KHAN

Advocate
No. 09-0807
Date of Issue: October 2017
Valid upto: October 2020

Arabic Secretary
KIP Bar Council



KHYBER PAKHTUNKHWA BAR COUNCIL

وکالت نامہ

کورٹ فیس

بعدالت جناب سروس ٹریسٹیشنل ایچ کورٹ کیس نمٹا اور

منجانب رپبلانٹ

جمیل احمد بنام حکومت کے پی کے مشین

اپیل

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروکار وجود نہی برائے پیشی یا تصفیہ مقدمہ بمقام محکمہ پست سہا اور کیلئے
 مہدی حسن بلوچ اور وکیل کے نام سے درخواست اور بعدالت حاضر ہونا ہوا گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو برو عدالت حاضر ہونا ہونا گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
 موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف
 اسکے کسی طرح ذمہ دار نہوں گے، نیز وکیل صاحب موصوف صدر مقام بچہری کے علاوہ کسی جگہ یا بچہری کے اوقات سے پہلے یا بچہری یا بروز تعطیل ہجرتی کرنے کے
 ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بچہری کے علاوہ کسی جگہ یا بچہری کے اوقات سے پہلے یا بچہری یا بروز تعطیل ہجرتی کرنے کے ذمہ دار نہ
 ہوں گے۔ اور مقدمہ صدر بچہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بچہری کے اوقات کے آگے بچہری پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ
 دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عتقانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ
 ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل گمانی و ہر قسم درخواست پر دستخط تصدیق کرنے کا
 بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور جرم کے بیان دینے اور اس پر عتابی یا راضی نامہ دینے پر
 حلف کرنے یا اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از بچہری صدر ہجرتی مقدمہ مذکورہ نظر ثانی و اپیل گمانی و ہر آہ کی
 مقدمہ یا منسوفی ڈگری یا طرف یا درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ محتاج ہجرتی کا اختیار ہوں
 اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو
 کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا گمانی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا ہیر منکر اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ التواہ پر پکا، وہ صاحب
 موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی ہجرتی نہ کریں اور ایسی
 صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ _____ ماہ _____ 201

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد

جمیل احمد

العبد

03459832652

12101-1894919-2

(Signature)

Accepted
on 12/10/2017

Accepted
AMM
ADU

بیت المقدس اور بیت المقدس کے مابین
۱۸ جولائی ۱۹۱۷ء

بیت المقدس اور بیت المقدس کے مابین
۱۸ جولائی ۱۹۱۷ء

بیت المقدس اور بیت المقدس کے مابین
۱۸ جولائی ۱۹۱۷ء

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۱۸ جولائی ۱۹۱۷ء

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۱۸ جولائی ۱۹۱۷ء

بیت المقدس اور بیت المقدس کے مابین
۱۸ جولائی ۱۹۱۷ء

عبارتیں لکھیں اور ان کے ساتھ جواب لکھیں۔

1966-67 سال کا حصہ - 1968-69 سال کا حصہ

1977-78 سال کا حصہ - 1985-86 سال کا حصہ

1993-94 سال کا حصہ - 1997-98 سال کا حصہ

2005-06 سال کا حصہ - 2008-09 سال کا حصہ

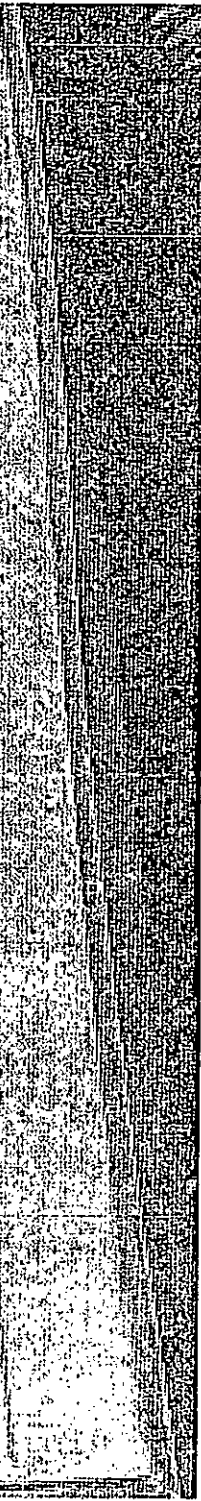
حصہ 58 (سوال نمبر 1 تا 22) درج ذیل ہے

سوال نمبر 1 تا 59 حصہ 58 میں ہیں اور سوال نمبر 60 تا 229 حصہ 59 میں ہیں۔

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

CM No. _____ of 2019
In SA No. 697 of 2019.

Jameel Ahmad

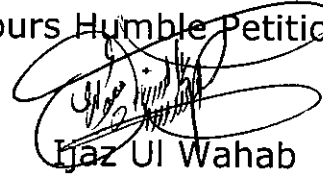
VS

KPK & others

INDEX

S #	Description of Documents	Annexure	Page #
1	Written Reply along with affidavit & replication & Early Fixation Application & Vacation of Stay Order application	—	1-11
2	Copies of BA Certificate, Patwar Pass Certificate & Performance Certificate	A	12-14
3	Copy of order dated: 03/03/2016 & Arrival Report dated: 03/03/2016	B	15-16
4	Copy of order dated: 23/05/2016	C	17
5	Copy of Transferred order dated: 19/04/2019	D	18
6	Copy of Posting, transfer policy	E	19
7	Copy of transfer order dated: 16/05/2019	F	20

Yours Humble Petitioner



Ijaz Ul Wahab
Through Counsel

Green
10/6/19

Dated: 10/06/2019

- | -

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

CM No. _____ of 2019
In SA No. 697 of 2019.



Put up to the court with relevant appeal.

Jameel Ahmad

VS

KPK & others

Madu

APPLICATION FOR REQUISITION OF FILE/ EARLY
FIXATION OF THE ABOVE TITLED APPEAL

Respectfully sheweth;

1. That the captioned Service Appeal is pending adjudication before this august Service Tribunal court is fixed for 25/06/2019 before SB at Camp Court Dera Ismail Khan.
2. That the case in hand requires early hearing because the matter is of urgent nature and the stay order is already granted by this Honourable court, therefore, it is required to decide the lis early.
3. That this Honourable court has got vast power to entertain the instant petition.

It is, therefore, prayed that the instant petition may kindly be accepted or any other relief may being fit by this Honourable court in the interest of the present petitioner.

Your Humble Petitioner

Ijaz Ul Wahab

Through Counsel

Muhammad Waqar Alam

Advocate High Court

Shall remain posted for 25/6/2019 at DI Khan. Notice of application for vacation of stay be issued to other party(s) for the date fixed.
Dated: 10/06/2019
10/6/19

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

CM No. _____ of 2019
In SA No. 697 of 2019.

Jameel Ahmad

VS

KPK & others

**APPLICATION FOR SETTING ASIDE/ THE VACATION OF STAY
ORDER GRANTED BY THIS HONOURABLE COURT ON 27-05-
2019 IN THE ABOVE TITLED CASE.**

Respectfully Sheweth:

1. That the above titled appeal is pending adjudication before this august court, and the stay order was granted by this Honourable court vide order dated 27-05-2019.
2. That the appellant is not come to the court with clean hands, as in fact the appellant concealing the material irregularities by the appellant, hence, the order dated: 27/05/2019 is the result of malafide on the part of appellant and comes under the definition of ill-gotten gains which is prohibited under the law because this Honourable Court ^{has} no jurisdiction at all in the subject matter due to without exhausting departmental remedy of appeal by the appellant instant appeal is incompetent in the eye of law. (Section IV Khyber Pakhtunkhwa Service Tribunal Act 1974)
3. That therefore, the appellant has got no prima facie case while on the other hand the present petitioner have got a very good prima facie case on merits, on factual controversy as well as on law and balance of convenience is also in favour of petitioner. Furthermore, the appellant before getting the order dated: 27/05/2019 from this Honourable Court has suppressed material facts and acted in a malafide manner, and also has not approached the Court with clean

ohi

Sheweth

hands therefore the appellant will suffer no irreparable loss. Thus, all the basic three ingredients of stay are not in favour of appellant.

4. That the order dated: 27/05/2019 passed by this Court is against public interest/ public policy hence liable to set aside, moreover, the appellant is transferred against the district cadre post hence the policy of posting transfer is inapplicable in the case of appellant.
5. That if the stay order will not be vacated then the petitioners will suffer irreparable loss and this august court has got vast power to vacate the stay order.

It is, therefore, humbly prayed that on the acceptance of the instant application may kindly be vacated the stay order dated: 27/05/2019 granted in above titled case or any other remedy deem fit by this Honourable court in the interest of the applicants.

Your Humble Petitioner


Ijaz Ul Wahab

Through Counsel

Dated:10/06/2019

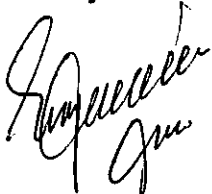

Muhammad Waqar Alam

Advocate High Court

AFFIDAVIT

I, Ijaz Ul Wahab s/o Abdul Wahab, replying respondent No.5, petitioner, do hereby solemnly affirm and declare on Oath that all the para-wise contents of the application are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Court.

Identified by Counsel




Deponent

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 697/2019

Jameel Ahmad..... Appellant

Versus

Government of KPK & others..... Respondents

SERVICE APPEAL

**SUBJECT: WRITTEN REPLY ON BEHALF RESPONDENT#5
(Ejaz ul Wahab, Patwari BPS-09)**

Respected Sir,

Respondent#5 humbly submits and replies the para wise reply of the appeal of the appellant as follows.

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action and locus standi.
2. That the appeal of appellant is badly time barred.
3. That the appeal is bad for mis-joinder and non-joinder of parties.
4. That the appellant has not come to the court with clean hands. Moreover, the appellant is not entitled for remaining at the station of Moza Malana because it is a settled law that posting and transfer is a necessary feather of service and could best be judged by the authority under whom the employee is serving in the best interest of general public and under the law appellant shall be liable to serve anywhere according to the orders of his superiors.
5. That the appellant has not come to this learned Tribunal with clean hands and material, facts of the case are concealed from this honourable Tribunal which amounts perjury and necessary action under the law may please be taken against the appellant.
6. That the appellant almost completed his tenure at Moza Malana and now by filing the instant appeal is just to deprive the replying

respondent with mala fide intention and in this respect the influence of the appellant is very much evident on the face of record because earlier an order of transfer is made in favour of replying respondent but the appellant has very strong political back ground and appellant tried his level best through his political God fathers to deprive the replying respondent by cancelling his earlier transfer order which is already placed on file.

7. That under the law the appellant has no right to claim to remain in particular Moza, hence, on this score, the appeal of the appellant is not maintainable.
8. That the appellant filed a service appeal without availing departmental remedy from the concerned competent appellate authority, hence, the appeal before service tribunal without exhausting departmental remedy of appeal, held incompetent under proviso (a) to section 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974.

REPLY ON FACTS

1. Para#1 of the appeal relates to the appointment of the appellant hence, no reply. Moreover, the appellant has no clear service record regarding his performance which is subject to prove although the replying respondent is highly qualified and having certificates of his extra ordinary performance in his favour which are enclosed herewith as **Annexure-A** for worthy perusal.
2. Para#2 of the appeal relates to the posting of appellant at Halqa Moza Malana. Moreover, the appellant completed his tenure at Moza Malana and mentioning in Para that the Govt. Policy about transfer/posting is wrong one because posting and transfer of civil servant is a right of administration for which detailed rules and instructions had been framed and none had a vested right for his posting to a particular post or station, hence, transfer order passed by competent authority is according to law and the appellant has no right to claim his posting at Moza Malana. Moreover, it is settled law that a civil servant could not claim posting at particular station or at the place of his choice,

competent authority under the law is empowered to transfer any civil servant from one place to another at any time in exigencies of service or on administrative grounds, hence, such transfer order is administrative one and is not in violation of the transfer policy, hence, liable to be maintained by this learned Tribunal. (2004 PLC CS 705)..

3. Para#3 of the appeal is incorrect and misconceived. Furthermore, the replying respondents is very competent in his field and deserving employee for the post, hence, all the para is incorrect and denied. Appellant having political God fathers instead of replying respondents, moreover, the replying respondent is serving the revenue department from 03/03/2016 vide order dated 222/SK. Copies of the appointment order along with arrival report, order#390/SK dated 23/05/2016 and achievement/appreciation certificate issued by Assistant Commissioner are jointly annexed as **Annexure-B**.
4. That para#4 of the appeal is incorrect, hence, not admitted. Replying respondent has no political back, moreover, the appellant has political God father who adopted the policy of bent upon and doing their best to remain the appellant at his desired Moza with ulterior motives. Order dated 16/05/2019 is according to law and passed by the competent authority in favour of replying respondent.
5. Para#5 of the appeal is incorrect and misconceived. The appellant allegedly filed his departmental appeal to the wrong appellate authority, hence, on this sole ground the appeal of the appellant is liable to be rejected.
6. Para#6 of the appeal is incorrect and misconceived. Before availing the departmental forum by the appellant, instant appeal is not maintainable in the eye of law.

REPLY ON GROUNDS

- a. Ground#1 is incorrect, hence, not admitted. The impugned transfer order is legal one which is issued after observing all the codal formalities by the competent authority.

- b. Ground#2 of the appeal is incorrect and misconceived. The respondent#3 has valid and legal authority to transfer any employee of his department in the best interest of general public, hence, the order impugned is not liable to set aside by this Honourable Tribunal. Moreover, in para#2, the appellant showing certain restrictions for posting transfer which is totally misconceived, hence, not admitted.
- c. Ground#3 of the appeal is incorrect and misconceived, hence, not admitted. The orders of respondent#3 & 4 are legal one, hence, before issuing transfer order the competent authority has compelled by the appellant or any employee of the department to be heard in person, hence, this ground is incorrect as well as illegal in the eye of law.
- d. Ground#4 of the appeal is incorrect and misconceived, hence, denied. Detail reply is given above.
- e. Ground#5 of the appeal is incorrect and misconceived. Posting transfer order is a liability and could not be challenged and any employee could transfer from one station to another is a routine and could best be judged by the authority under whom the employee is serving, hence, right of life of appellant has never been disturbed with the transfer order because the appellant is entitled for his salaries at station transferred. Hence, the stance of appellant is totally illogical and illegal.
- f. Ground#6 of the appeal is incorrect and misconceived. The competent authority has not considered the appellant as fit for the post of Patwari at Moza Malana, hence, passed the impugned

transfer order in favour of the replying respondent which is legal one.

- g. Ground#7 of the appeal is incorrect and misconceive. Hence, not admitted.
- h. Ground#8 of the appeal is incorrect and misconceived. No discrimination has ever been made against the appellant by the competent authority.
- i. Ground#9 needs no reply.

In wake of submissions made above, this Honourable Tribunal is humbly requested that the service appeal of the appellant, being devoid of merits, may please be dismissed with costs.

Date: 10/06/2019

Your Humble Respondent.


Eiaz ul Wahab

Through counsel


Muhammad Waqar Alam
Advocate High Court

10/6/19

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____/2019

Jameel Ahmad Petitioner

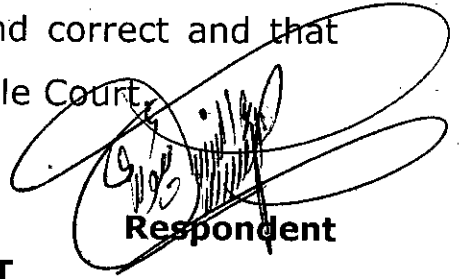
Versus

Government of KPK & others.....Respondents

SERVICE APPEAL

VERIFICATION

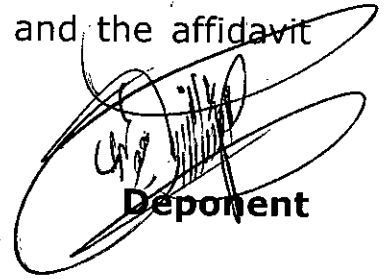
Verified this 10 day of June, 2019 at Dera Ismail Khan that the contents of this written reply are true and correct and that nothing has been concealed from this Honourable Court.



Respondent

COUNTER AFFIDAVIT

I, **Ejaz ul Wahab**, the respondent#5, do hereby solemnly affirm & declare on oath that the contents of this written reply are true & correct to the best of my knowledge and belief, nothing has been concealed from this Honourable Court and contents of the service appeal and the affidavit thereon are false.



Deponent

Books Referred:

- PLD 1979 SC 856
- 1979 SCMR 627 + 469 PLD 1981 SC 612
- 2004 PLC CS 405
- 1996 PLC CS 691
- 1980 PLC CS 539
- 2009 PLC CS 122
- 1999 PLC CS 849, 206+83

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____/2019

Jameel Ahmad Petitioner

Versus

Government of KPK & others.....Respondents

SERVICE APPEAL

**REPLICATION ON BEHALF OF RESPONDENT#5 OF THE
APPLICATION FOR SUSPENSION OF ORDERS DATED
16/05/2019 & 20/05/2019.**

Respectfully Sheweth;

The replying respondent humbly replies as under;

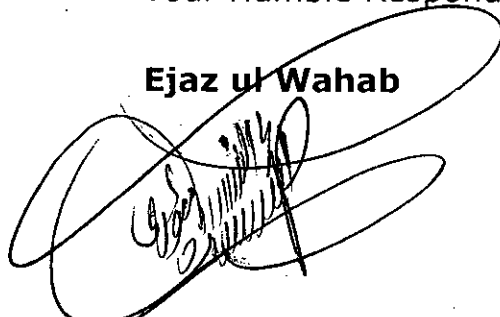
1. That Para#1 of the application of appellant is incorrect, the appeal of the appellant is not maintainable.
2. That Para#2 of the application is incorrect. Neither the appellant has got prima facie case nor balance of convenience is tilts in favour of appellant.
3. Para#3 of the application is incorrect, hence, denied. The order dated 16/05/2019 & 20/05/2019 are legal one and issued after fulfilling all the codel formalities.

In wake of the above submissions, the application of the appellant may kindly be dismissed with costs in the best interest of justice and equity.

Date: 10/06/2019

Your Humble Respondent

Ejaz ul Wahab



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. _____/2019

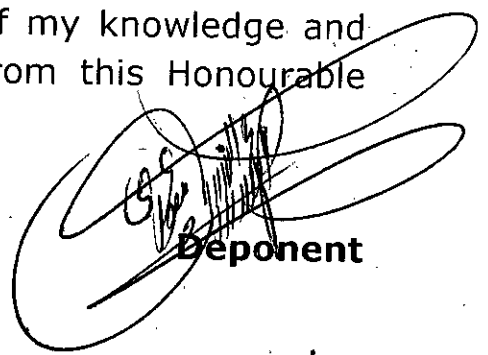
Jameel Ahmad Petitioner

Versus

Government of KPK & others.....Respondents

AFFIDAVIT

I, **Ejaz ul Wahab**, the respondent#5, do hereby solemnly affirm & declare on oath that the contents of this written reply are true & correct to the best of my knowledge and belief, nothing has been concealed from this Honourable Court.



Deponent



Annex: "A" - 12 -

DETAILED MARKS CERTIFICATE

B.A EXAMINATION PART-II

Held in June-July:- 2010

Session 2010/ Annual

Roll No: 7314

Name: EJAZ UL WAHAB

The candidate secured the following marks & has been placed in **Second Division**.

SUBJECTS	Total Number of Marks Allotted	MARKS OBTAINED	
		In figures	In Words
English	75	26	
Urdu	75	25	
Pashto	75	-	
Arabic	75	-	
Education	75	-	
English Elective	75	-	
Statistics	75	-	
Geography	75	-	
History	75	-	
Economics	75	-	
Political Science	75	-	
Islamic Studies	75	28	
Law	75	-	
Math A	75	-	
HPE	75	-	
Pak Studies	40	14	
Aggregate Part-II	265	93+2=95	Re
Aggregate Part-I	285	162	
Total Marks	550	257	Two Hundred & Fifty Seven

Result Declaration Date: 04/10/2010

Additional Controller of Examinations
Gomal University, D.I.Khan

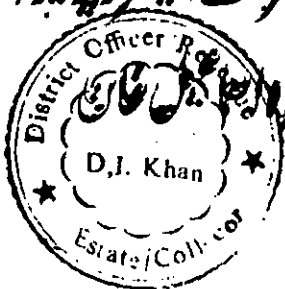
سرفینکیٹ امتحان پشاور

تصویق کی باقی ہے کہ کسی اعجاز الہویاب ولد عبدالکرم اب قوم سندھ
 کے اہلکار نے سزاؤں کے دروازے پر تحصیل و ضلع ڈیرہ اسماعیل خان نے امتحان پشاور بمقام کرک
 روٹ نمبر 468 سال 2010 میں شامل ہو کر امتحان پاس کیا۔ اس کی تاریخ پیدائش بمطابق سکول شریفیت
 1990-03-11 ہے۔ مضمون و ارنیجہ حسب ذیل ہے۔

تفصیل مضامین

تاریخ	مضمون	کل نمبر	حاصل کردہ نمبر	پاس ایجن	بھیت
1	حساب	30	22	پاس	لی اے
2	ساعت	30	22	"	
3	زبانی امتحان ساعت	40	20	"	
4	دستور العمل کاغذات ارضی	80	42	"	
5	دستور العمل کاغذات ارضی کا زبانی امتحان	40	28	"	
6	نقل کاغذات	100	4	"	
7	کامپوزے پیمائش	100	75	"	
8	القاء مضمون اور کسی اور عملی	50	29	"	
9	گالوں کی قیمت اخذ	80	09	"	
	مجموعاً	630	222	"	

اسٹریٹ آفیسر ریگولر کلکٹر



صدر دفتر

ڈیرہ اسماعیل خان

Appreciation Certificate

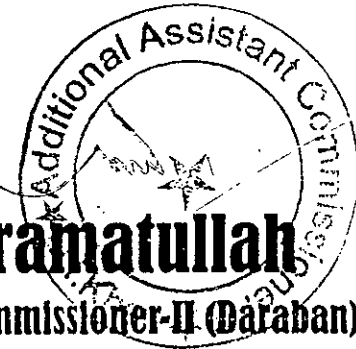
This certificate is awarded to

Ejaz-ul-Wahab Patwari Halqa Saggu Minakhele

In recognition of outstanding Achievements, Extraordinary Services and Dedication to your profession.

Dated: 15/05/2019

Karamatullah
Addl: Assistant Commissioner-II (Daraban), DIKhan



Annex: "A" - 14 -



OFFICE OF THE
DEPUTY COMMISSIONER
DERA ISMAIL KHAN

Phone #: 0966-9280116/Fax#: 0966-9280110

No. 222/SK

Dated: 3/3/2016

ORDER

Mr. Ejaz-ul-Wahab S/o Abdul Wahab cast Mandar R/o Iqbal town Arra Road P/o Din pur Tehsil & District D.I.Khan Patwar candidate is hereby appointed as Patwari (BPS-09) With immediate effect against the vacant posts sanctioned for ongoing consolidation/settlement operation D.I.Khan.

His appointment is subject to the following terms & conditions:


1. His appointments being against SNE posts is purely on temporary basis till the continuation of SNE. He will have no right to claim their seniority with Regular Patwaris on the basis of this order.
2. He should produce Medical Fitness certificates from the MS DHQ Hospital D.I.Khan on the date of joining their duty.
3. He should report for duty within seven days from the date of issuance of order in case of non-compliance, this order would stand canceled.


Deputy Commissioner
D.I.Khan

No. 222/SK dated 3-3-2016

Copy forward to the:

1. Commissioner D.I.Khan Division D.I.Khan
2. Secretry Board of Revenue Khyber Pakhtunkhwa Peshawar.
3. Director Land Record Khyber Pakhtukhwa Peshawar.
4. District account officer D.I.Khan.
5. SETTLEMENT Tehsildar D.I.Khan.
6. Bill Clerk.
7. Official Concerned.



Deputy Commissioner
D.I.Khan

جناب عالی!

محکم جناب ڈپٹی کمشنر صاحب ڈیرہ اسماعیل خان سروسز آرڈر نمبر SK/222 مورخہ 3/03/2016

میں مسیٰ اعجاز الوہاب ولد عبدالوہاب قوم منڈھہر سکندہ اقبال ٹاؤن آٹھارو ڈیرہ اسماعیل خان

بطور پوری صدر دفتر ڈیرہ اسماعیل خان میں بعد دو پہر اپنی حاضری رپورٹ پیش کرتا ہوں۔


03/03/2016

Annex: "C" - 17-



OFFICE OF THE
DEPUTY COMMISSIONER
DERA ISMAIL KHAN
Phone #: 0966-9280116 / Fax #: 0966-9280110

ORDER.

Naib Tehsildar Consolidation, D.I.Khan has requested for the posting of three Patwaris, appointed against the SNE posts sanctioned for the Consolidation Operation to assist the Patwari Kurai for correction of Misl-e-Haqiat / completion Charsala of village Kurai.

In view of the report of Naib Tehsildar, Consolidation, D.I.Khan the following Patwaris, appointed against the SNE posts sanctioned for the on-going Consolidation Operation are directed to immediately report to Naib Tehsildar, Consolidation, D.I.Khan:-

1. Zeshan Latif s/o Abdul Latif.
2. Muhammad Aamir s/o Allah Diwaya.
3. Ejaz-ul-Wahab s/o Abdul Wahab.


DEPUTY COMMISSIONER
DERA ISMAIL KHAN

No 390 /SK Dated D.I.Khan the 23/05/2016

Copy to the:-

1. Settlement Tehsildar, D.I.Khan.
2. Naib Tehsildar Consolidation, D.I.Khan.
3. Bill Clerk main office.
4. Officials concerned for the strict compliance.


DEPUTY COMMISSIONER
DERA ISMAIL KHAN



OFFICE OF THE
DEPUTY COMMISSIONER
DERA ISMAIL KHAN

Phone # 0966-9280116 Fax # 0966-9280110

OFFICE ORDER.

Postings/transfer amongst the following Patwaris of District DIKhan are hereby ordered with immediate effect in the best public interest;

S No	Name of official	From	To
1.	Mr Ejaz ul Wahab Patwari	Halqa Saggu	Halqa Malana
2.	Mr Jamil Ahmad Patwari	Halqa Malana	Report of Saddar office

Banno

DEPUTY COMMISSIONER
DERA ISMAIL KHAN

No 1291 /DC(DK) Dated: 19/04/2019

Copy forwarded for information to the;

1. Additional Deputy Commissioner DIKhan
2. Assistant Commissioner DIKhan.
3. Additional Assistant Commissioner Parova
4. Superintendent DC Office DIKhan
5. District Kanungo DIKhan
6. Officials concerned for compliance.

Banno

DEPUTY COMMISSIONER
DERA ISMAIL KHAN

فوزا گل ملانہ
ڈپٹی کمشنر
ڈیڑا اسماعیل خان
19-4-2019

فوزا گل ملانہ
ڈپٹی کمشنر
ڈیڑا اسماعیل خان
19-4-2019

فوزا گل ملانہ
ڈپٹی کمشنر
ڈیڑا اسماعیل خان
19-4-2019

ڈپٹی کمشنر ملانہ
فوزا گل ملانہ
ڈپٹی کمشنر
ڈیڑا اسماعیل خان
22/4/19

Transfer/Postings from settled to FATA including F.Rs to Districts.

Sl.No.5

Instances have come to the notice of Governor's Secretariat NWFP, where policy on posting/transfer to and from FATA is not being followed in letter and spirit. The Governor, NWFP has taken serious notice of the violation of the said policy and directed that all Departments must obtain his prior approval before issuing all such posting/transfer orders.

(Authority: SOR-I(S&GAD)1-188/96, dated 2nd Oct., 1997)

Inter Provincial Transfer

Sl.No.6

Attention is invited to Rule-8 of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 where under Inter-Provincial Transfers of employees in BPS 1 to 15 and 16 and above are permissible subject to the fulfilment of conditions laid down in the aforesaid rule. However, in most of the cases, the requests for Inter-Provincial Transfers are not strictly scrutinized in the light of the aforesaid rules which creates not only embarrassment for the S&GAD but also causes delays in finalizing of such cases.

2. While examining cases, it has been noticed that inter-provincial transfer results in an over all increase of officials in the NWFP, which is against the downsizing policy of the Government. The un-employment situation in NWFP is more acute than in any other province. Large scale transfers of officials from other provinces would also deprive the people of NWFP from employment in other Provinces. It may, therefore, be necessary to restrict the inter-provincial transfers to very exceptional cases where a strong humanitarian ground exists or where technical expertise, which is not available in the province, is required.

3. It is requested that the provisions of Rule-8 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 may be observed strictly while recommending cases of inter-provincial transfers, with full justification for consideration of the competent authority.

(Authority: S&GAD's letter No. SOR-I(S&GAD)2-27/86, dated 1.11.1997)

Posting/Transfer in Government Departments

Sl.No.7

In supersession of all policy instructions issued in this behalf, the Provincial Cabinet in its meeting held on 2.5.1998 has inter-alia approved the following posting/transfer policy:-

- (i) The normal tenure of posting shall be three years subject to the conditions that for the officers/officials posted in unattractive areas, the tenure shall be two years and for the hard areas i.e (District Kohistan), it shall be 1-1/2 years at least.
- (ii) Months of March and August are fixed for posting/transfer of the officers/officials excluding the officers in BP-19 and above in the Province. There should be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where:-
 - (a) Postings/transfers of Government employees become inevitable in other months due to promotion/retirement/ creation of new posts/return from long leave/involvement in disciplinary proceedings and adjustment of surplus staff.
 - (b) Postings of existing officers of the APUG, PCS(FG) and PCS (SG) and Heads of Attached Departments and other B-19 and above officers in all the departments as indicated in Schedule-III of the NWFP Government Rules of Business, 1985 as well as Field posts and ex-cadre posts by the Chief Secretary and Chief Minister NWFP.
 - (iii) While making postings/transfers from settled areas to FATA and Vice-versa, the approval of Governor, NWFP needs to be obtained.
 - (iv) No officer shall be allowed to be posted in his own District of domicile.
 - (v) No postings/transfers of the officers/officials on detailment basis shall be made.
 - (vi) About the posting of husband/wife, both in Provincial Services, at one station, the over riding consideration will be the administrative position. It may be desirable to post such persons at one station and this will be subject to the public interest.

2. It is requested that the above policy may please be implemented in letter and spirit.

(Authority: S&GAD's letter No. SOR-I(S&GAD)1-1/85, dt: 20.5.1998)

Posting/Transfer in Govt. Departments.

S.No.8

I am directed to refer to the subject cited above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has inter-alia approved the following posting/transfer policy:-

- (i) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas, the tenure shall be

Annex 'E' - 19



OFFICE OF THE
ASSISTANT COMMISSIONER

DIKHAN

Phone/Fax #: 0966-9280117-480

No 602 /AC

Dated DIKhan the 16/05/2019

OFFICER ORDER:

I am directed to issue the transfer order of the following Patwaris as mentioned against their names with immediate effects in the best interest of the public/government work.

The following patwaris are hereby transferred and posted on Halqa's as mentioned against their names with immediate effects:

S.No.	Name of Patwari	From	To
1.	Mr. Ejaz Ul Wahab	Halqa Saggu	Halqa Mallana
2.	Mr. Jameel Ahmad	Halqa Mallana	Halqa Saggu.

A. Tander

ASSISTANT COMMISSIONER,
DERA ISMAIL KHAN.

Copy Forwarded to.

1. The Deputy Commissioner, DIKhan.
2. The Tehsildar, DIKhan.
3. The Naib Tehsildar, Paroa.

A. Tander

ASSISTANT COMMISSIONER,
DERA ISMAIL KHAN.

پروا اور حلقہ ملان

میرا حکم کیا ہے اور پتو

AC. D.I. Khan

17-5-2019

میرا حکم کیا ہے اور پتو

پتو اور حلقہ ملان

میرا حکم کیا ہے اور پتو

17/5/2019

Naib Tehsildar
Teh: Paroa, D.I. Khan



OFFICE OF THE
DEPUTY COMMISSIONER
DERA ISMAIL KHAN

Phone #: 0966-9280116 / Fax #: 0966-9280110
dcderaa@gmail.com

-21-

OFFICE ORDER.

In the light of completion of tenure on the existing Patwar Halqas, the following postings/transfers amongst the Patwaris of District DI Khan are hereby ordered with immediate effect in the best public interest:

S #	NAME	FROM (Patwar Halqa)	TO (Patwar Halqa)	REMARKS
1. ✓	Riaz Hussain Shah	Daraban Khurd	Rod Kohi	On completion of tenure
2.	Farukh Suhail	Rod Kohi	Daraban Khurd	As proposed by Revenue Officer
3.	Muhammad Rustam	Shah Kot	Thoya	On completion of tenure
4.	Shakeel Hussain Shah	Thoya	Shah Kot	As proposed by Revenue Officer
5.	Ghulam Abbas No:1	Malana	Maddi	On completion of tenure
6. ✓	Jamil Ahmad	Kat Jhok Tahir	Malana	As proposed by Revenue Officer
7.	Imtiaz Hussain	Thathal	Giloti	On completion of tenure
8.	Muhammad Farooq	Gilot	Thathal	As proposed by Revenue Officer
9.	Sher Ali Shah	Paharpur Thal	Rehmani Khel	Against the vacant post
10.	Waseemullah	Maddi	Paharpur Thall	As proposed by Revenue Officer
11.	Muhammad Khalid	Hissam	Sadra Sharif	Against the vacant post
12.	Muhammad Raashid	Add; Patwar Bigwani Shumali	Hissam	As proposed by Revenue Officer
13.	Mustafa-ul-Hassan	Naib Qanoongo. Paharpur	Office Band Korai	As proposed by AC Paharpur
14.	Muhammad Rafique	Band Korai	Naib Office Qanoongo Paharpur	As proposed by Revenue Officer
15. ✓	Rajab Ali Shah	Rangpur Janobi	Saidalian	As proposed by Revenue Officer
16.	Hameedullah	Saidalian	Kat Jhok Tahir	As proposed by Revenue Officer
17.	Allah Bakhsha	Machora Shumali	Wanda Khaliq Shah	On completion of tenure
18.	Murid Abbas	Wanda Khaliq Shah	Machora Shumali	As proposed by Revenue Officer
19.	Muhammad Saleem	Bigwani Shumali	Laar	On completion of tenure

20.	Muhammad Javed	Laar	Bigwani Shumali	As proposed by Revenue Officer
21.	Muharramad Bashir	ADRA	Jumma Sharif	Against the vacant post
22.	Amjid Ali Asghar	Mapal	Kauri Jamal	On completion of tenure
23.	Saif-ur-Rehman	Kauri Jamal	Mapal	As proposed by Revenue Officer
24.	Aurangzeb	Ghamsan	Kirri Khaisure Kacha Shumali	On completion of tenure
25.	Salah-ud-Din	Kirri Khaisure Kacha Shumali	Ghamsan	As proposed by Revenue Officer
26.	Mazhar Zaidi	Rakhokh Janubi	Rangpur Shumali	On completion of tenure
27.	Muhammad Shahid	Rangpur Shumali	Rakhokh Janubi	As proposed by Revenue Officer
28.	Abdul Sami	Rod Kohi	Chodwan	As proposed by AC Daraban

No. 417/DC(1/19) dated _____
Copy forwarded for information to the;

1. Additional Deputy Commissioner/All Assistant Commissioners/AACs District DI Khan.
2. All the Tehsildars/Naib Tehsildars in District DI Khan.
3. Bill Clerk DC's Office DI Khan
4. Officials concerned for compliance
5. Focal Person DPTMF DC Office DI Khan

DI Khan the 20/07/2017


DEPUTY COMMISSIONER
DERA ISMAIL KHAN


DEPUTY COMMISSIONER
DERA ISMAIL KHAN



27.05.2019

Appellant alongwith counsel present.

Contends , inter-alia , that on 19.04.2019 a posting/transfer order was made by respondent No. 2/Deputy Commissioner D.I.Khan, whereby the appellant was transferred from Halqa Malana to Saddar Office. The said order was withdrawn by respondent No. 4 on 24.04.2019, however, on 16.05.2019 the said respondent issued another transfer order whereby the appellant was transferred to Halqa Saggi. The said impugned transfer was on the one hand made by an officer who was not competent for the purpose and, on the other, was in violation of transfer/posting policy of the Provincial Government. In the said regard learned counsel referred to the charge assumption report dated 25.07.2017 whereby the appellant had assumed charge in Halqa Malana. It was contended that the normal tenure of posting of a civil servant was two years while the appellant was re-transferred before the completion of such period for no good reason. The impugned transfer order was, therefore, unlawful and not sustainable, it was added.

In view of the available record and averments of learned counsel, 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 25.06.2019 before S.B at camp court, D.I.Khan

The appeal is accompanied by an application for suspension of order No. 602/A.C dated 16.05.2019. Notice of the application be also given to the respondents for the date fixed. Till next date of hearing the operation of order dated 16.05.2019 passed by respondent No. 4 shall remain suspended.

Appellant Deposited
Security & Process Fee

27/5/19

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar





Chairman

Form- A

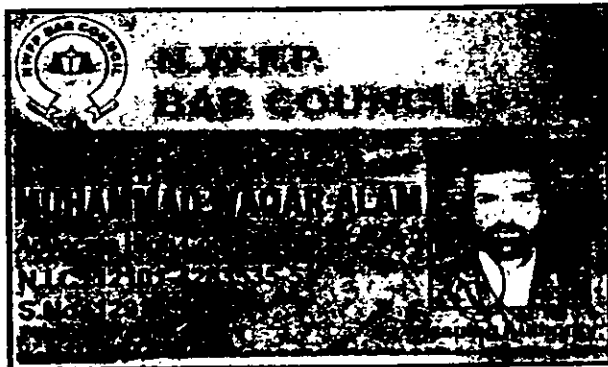
FORM OF ORDER SHEET

Court of _____

Case No.- 697/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/05/2019	<p>The appeal of Mr. Jamil Ahmad presented today by Mr. Ghulam Hurr Khan Baloch 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 <u>27/5/19</u> </p>
2-	<u>27/05/19</u>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/05/19</u></p> <p style="text-align: right;">  CHAIRMAN </p> <p style="text-align: center;"> ATTESTED  EXAMINER Khyber Pakhtunkhwa Service Tribunal, Peshawar </p> <p> Date of transcription of _____ <u>29-5-19</u> Number of Words _____ <u>800</u> Copying Fee _____ <u>6-</u> Urgent _____ <u>2-</u> Total _____ <u>8-</u> Name of _____ <u>[Signature]</u> Date of Completion of _____ <u>29-5-19</u> Date of Delivery of Copy _____ <u>29-5-19</u> </p>

وکالت نامہ



Father's Name: MUHAMMAD KHURSHID ALAM
Address: USTRANA, SOUTH NEAR GCT
DJ KHAN
Office Tel: 0099-718378, Cell # 0333-8958816
Enrolment Dt. L.C: 28-03-2007
Enrolment Dt. H.C: 03-10-2008
Place of Practice: DJ KHAN
Date of Birth: 15-04-1982
Blood Group:
NWFP BAR COUNCIL
1st Floor G-Block, Khyber Road Peshawar, Ph. 091-8211172
E-mail: nwfpbarcouncil@hotmail.com

Khyber Pakhtunkhwa Service Tribunal Peshawar بعدالت جناب

Respondent No. 5 جناب

Jameel Ahmed نام Govt. of KPIC

دعویٰ یا جرم

Service Appeal 697/19

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام

محمد وقار عالم ایڈووکیٹ ہائی کورٹ

کوسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں برپیشی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہونا ہوں گا۔ اور ہر وقت ہمارے جانے مقدمہ وکیل صاحب
 موصوف کا اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مقرر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف
 اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا ہر روز حتمی بیوی کرنے کے
 ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا ہر روز حتمی بیوی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ صدر مقام بکھری کے علاوہ اور جگہ سمیت ہونے یا ہر روز حتمی بیوی کرنے کے اوقات سے پہلے یا پیچھے پیش ہونے پر مقرر کو کوئی قصاص پہنچے تو اس کے ذمہ
 دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عائد واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروا خط صاحب موصوف مل کر وہ
 ذات خود حکور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجراء ڈگری و نظر ثانی اپیل مگرانی و ہر قسم درخواست پر دخل و تصرف نہ کرنے کا
 بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہر قسم کا وہیہ وصول کرنے اور سیدہ دینے اور واپس کرنے اور ہر قسم کے بیان دینے اور اس پر پیشی یا سنی نامہ و فیصلہ
 مل کرنے، اقبل دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ ہر دن از بکھری صدر بیوی مقدمہ مذکورہ نظر ثانی و اپیل و مگرانی و ہر قسم
 مقدمہ یا سنی ڈگری یا طرف یا درخواست حکم انتہائی یا ترقی یا کٹاری عمل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط امانتگی طبعہ و عائد بیوی کا اختیار ہوگا
 اور تمام ساختہ پروا خط صاحب موصوف مل کر وہ ذات خود حکور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جز
 کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا مگرانی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا ہر شخص کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جات و اجراء ہو گیا، وہ صاحب
 موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری جس تاریخ پیشی سے پہلے امانت کروں گا۔ تو صاحب موصوف کو ہر اختیار ہوگا کہ وہ مقدمہ کی بیوی نہ کریں اور کسی
 صورت میں ہر کوئی مطالبہ کسی قسم صاحب موصوف کے برخلاف نہیں ہوگا۔

Accepted

201
 محمد وقار عالم

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔
 العبد

محمد وقار عالم ایڈووکیٹ ہائی کورٹ

10/6/19
 محمد وقار عالم ایڈووکیٹ ہائی کورٹ