

18.03.2019

Petitioner in person present. Mr. Muhammad Bilal learned Deputy District Attorney alongwith Sohail Ahmad Zeb litigation Assistant and Shuja Ali ADO present and submitted copy of office order dated 04.10.2018 and stated that in view of the said office order the judgment in question of this Tribunal has been implemented. Petitioner stated that he wants to withdraw the present execution petition.

Consequently the present execution petition is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.



Member
Camp Court A/Abad.

ANNOUNCED.
18.03.2019

I want
Petition

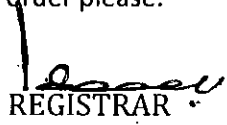

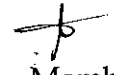
to withdraw my Present
Petition

RU →

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _ 362/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08.10.2018	<p>The execution petition of Mr. Muhammad Razaqat submitted by Mr. Sardar Basharat 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>
2-	10-10-2018	<p>This execution petition be put before Touring S. Bench at A.Abad on <u>18-12-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
18.12.2018		<p>None for the petitioner present. Mr. Usman Ghani, District Attorney for the respondents present. Notices be issued to the respondents for submission of implementation report on 18.03.2019 before the S.B at camp court, Abbottabad.</p> <p style="text-align: right;"> Member Camp court A/Abad</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL

PESHAWAR

Exception Petition No. 362/2018

Compliance Petition No. /2018

IN

decided Service Appeal No. 162/2018

Muhammad Razaqat (Lab Attendant) Govt Girls Higher Secondary School
Keri Raiki, Tehsil & District, Abbottabad.

...PETITIONER / APPELLANT

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary (E&SE)
Department, Khyber Pakhtunkhwa, Peshawar and 3 Others.

...RESPONDENTS

PETITION FOR COMPLIANCE OF ORDER


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4.	Vakalatnama	-	9

.....Petitioner / Appellant

Through:


SARDAR BASHARAT


Waheed Jan Muhamamd
Advocates High Court.
Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Execution Petition no. 362/2018

Compliance Petition No. 12018

**Khyber Pakhtunkhwa
Service Tribunal**

IN

Diary No. 1176

decided Service Appeal No. 162/2018

Dated: 8-10-18

Muhammad Rafaqat (Lab Attendant) Govt Girls Higher Secondary
School Keri Raiki, Tehsil & District, Abbottabad.

...PETITIONER / APPELLANT

V E R S U S

The Government of Khyber Pakhtunkhwa through Secretary
(E&SE) Department, Khyber Pakhtunkhwa, Peshawar and 3
Others.

...RESPONDENTS

**PETITION FOR COMPLIANCE / IMPLEMENTATION OF
THE ORDERS PASSED IN ABOVE TITLED SERVICE
APPEAL NO. 162/2018.**

Respectfully Sheweth,

1. That, the above titled service appeal remained pending before this honourable Tribunal which was decided vide Judgment dated 28/06/2018. **(Copies of the Judgment and appeal are annexed as annexure "A & B")**
2. That, during the course of arguments, an understanding developed that without touching the merits of the case, if the respondents are really to consider the transfer of the appellant to his own union council at fist instance on falling of a seat at any school in the said union council or if even falls vacant under the posting / transfer policy,

whichever of the two falls earlier than they would not press their contentions before this tribunal.

3. That, recently, it came to the knowledge of petitioner / appellant that a post of "Lab attendant" (Class-IV), is lying vacant in Govt High School Bagan since 01/03/2018, on which the petitioner moved an application on 03/09/2018, to the respondent No.03, to transfer him in the light of order passed by this tribunal dated 28/06/2018, but no heed was paid up till now. (Copy of application dated 03/09/2018, is annexed as annexure "C").
4. That, the case of the petitioner is genuine and considerable in the present scenario.


Therefore, it is very humbly prayed that on acceptance of instant petition, the request of the petitioner seems genuine be considered.

Dated: 08/ /10/2018

.....Petitioner / Appellant

Through:

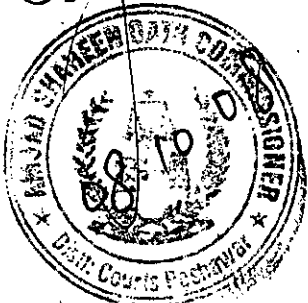

SARDAR BASHARAT


Waheed Jan Muhamamd
Advocates High Court.
Abbottabad

AFFIDAVIT:

I, Muhammad Rafaqat (Lab Attendant) Govt Girls Higher Secondary School Keri Raiki, Tehsil & District, Abbottabad, the petitioner/ appellant, do hereby solemnly affirm and declare on oath that that the contents of instant petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein.


DEPONENT
(Muhammad Rafaqat)



BEFORE KHYBER PAKHTUNHWA SERVICE TRIBUNAL PESHAWAR

E.P. No 362/18m Service Appeal No: 162 /2018

Muhammad Rafaqat (Lab Attendant) Govt Girls Higher Secondary School Keri Raiki, Tehsil and District Abbottabad.

....APPELLANT

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Peshawar.
2. Director of Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Elementary & Secondary Education) (Male), Abbottabad.
4. District Education Officer (Elementary & Secondary Education) (Female), Abbottabad.

....RESPONDENTS

SRVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST IMPUGNED OFFICE ORDER DATED 01/11/2017 ISSUED UNDER ENDORSEMENT NO 187-09 WHEREBY RESPONDENT NO 2 TRANSFER THE APPELLANT FROM GOVT GIRLS HIGHER SECONDARY SCHOL KERI RAIKI TO GOVT HIGH SCHOOL KHAIRA GALI, DISTRICT ABBOTTABAD. THE SAID ORDER IS TOTALLY ILLEGAL, AGAINST LAW, MALAFIDY AND ISSUED ON PERSONAL GRUDGES.

PRAYER:

IT IS RESPECTFULLY PRAYED BEFORE THIS HONOURABLE TRIBUNAL THAT THE INSTANT APPEAL MAY GRACIOUSLY, BE ACCEPTED AND IMPUGNED OFFICE ORDER DATED 01/11/2017 ISSUED UNDER ENDORSEMENT NO 187-09 BE SET ASIDE. THE APPELLANT MAY PLEASE BE ALLOWED TO CONTINUE HIS SERVICE AT GOVT GIRLS HIGHER SECONDARY SCHOOL KERI RAIKI.

Respectfully Sheweth,

FACTS

- 1) That appellant was appointed as a "Lab Attendant" in Education Department District Abbottabd on 29-09-2007 at Govt High School Khaira Gali, District Abbottabd. **(Copy of appointment order is annexed as annexure "A")**.
- 2) That, appellant performed his regular duty at GHS Khaira Gali, Abbottabd and thereafter transferred to GGHS Keri Raiki on 12-10-2017 issued by respondent No.2. **(Copy of transfer order dated 12-10-2017 is annexed as annexure "B")**.
- 3) That, in compliance with the order of respondent No.2, Principal GHS Khaira Gali Abbottabd relieve the appellant from duty on 24-10-2017. **(Copy of Relieving order is annexed as annexure "C")**.
- 4) That, in compliance with the order of respondent No.2, Principal GGHSS Keri Raiki given the charge to appellant on 25-10-2017 and appellant started his duty at GGHSS Keri Raiki. **(Copy of Charge report is annexed as annexure "D")**.
- 5) That, Principal GGHSS Keri Raiki send the source form-II of appellant to District Account Office Abbottabd for activation of pay of the appellant. **(Copies of Salary slips for the month of November and December 2017 is annexed as annexure "E" & "F")**
- 6) That, on 01-11-2017, vide Endorsement No. 187-09, respondent No.2 cancelled the transfer order of appellant dated 12-10-2017 under political pressure / influence. **(Copy of impugned office order dated 01-11-2017 is annexed as annexure "G")**
- 7) That on 04-01-2017, appellant filed departmental appeal against the said impugned order before respondent No.1 which is still pending and no decision has been taken within specific period of 90 days. **(Copy of Departmental appeal is annexed as annexure "H")**

GROUNDS:

- a) That the impugned transfer order is illegal, unlawful, based on malafide and personal grudges, hence, liable to be set aside.
- b) That, the impugned transfer was issued under political pressure / influence which is totally unlawful and liable to be set-aside.
- c) That, the impugned transfer order issued against the posting transfer policy 2009 of Govt of Khyber Pakhtunkhwa.
- d) That, said impugned transfer order was issued without completion of Tenure of the appellant.
- e) That, vide impugned transfer order, the fundamental rights of the appellant was grabbed by the respondents.
- f) That, other points shall be agitated during the argument with the prior permission of Hon'ble Tribunal.
- g) That, the instant Appeal is well within time.

It is therefore, respectfully prayed that the instant appeal may graciously be accepted, impugned Transfer order dated 01/11/2017 issued under endorsement No 187-09 be set aside. the appellant may please be allowed to continue his service at Govt Girls Higher Secondary School Keri Raiki. Any other relief which this Hon'ble Tribunal deemed fit and proper may also be granted to the appellant.

Dated: 06/02/2018

(Muhammad Rafaqat
(Appellant inperson)

AFFIDAVIT:

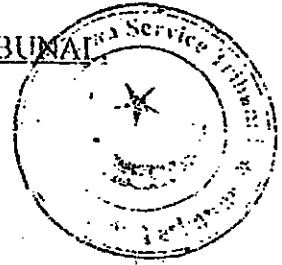
I, Muhammad Rafaqat (Lab Attendant) Govt Girls Higher Secondary School Keri Raiki, Tehsil and District Abbottabad. **Appellant**, do hereby affirm on oath that contents of instant appeal are correct and true to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal and instant appeal is first appeal and same nature of any other appeal is not pending before this Honourable Tribunal.

Dated: 06/02/2018

Ru
(Muhammad Rafaqat)
(Appellant inperson)

196

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.



Service appeal No. 162/2018

Date of institution ... 06.02.2018
Date of decision ... 28.06.2018

Muhammad Rafaqat (Lab Attendant) Govt Girls Higher Secondary School Keri Raiki,
Tehsil and District Abbottabad. ... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Secretary (E&SE)
Department, Khyber Pakhtunkhwa, Peshawar and 3 others. ... (Respondents)

Present:-

Mr. WAHEED JAN MUHAMMAD,
Advocate ... For appellant.

Mr. ZIAULLAH,
Deputy District Attorney ... For respondents.

MIR. SUBHAN SHER,
MR. AHMAD HASSAN,

CHAIRMAN
MEMBER.

JUDGMENT

SUBHAN SHER, CHAIRMAN:-

Appellant Muhammad Rafaqat is aggrieved of the order dated 01.11.2017 passed
by the respondents, whereby its own previous order dated 12.10.2017 was cancelled.

2. Arguments heard and record perused.

3. Mr. Waheed Jan Muhammad, Advocate, learned counsel for the appellant
contended that the impugned order is passed with malafide and in clear violation of
posting/transfer policy and requested this Tribunal to cancel the same.

ATTESTED

Subhan Sher,
Chairman,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

4. Mr. Ziaullah, learned Deputy District Attorney for respondents strongly opposed the contentions of the learned counsel for the appellant and prayed that under the Posting Transfer Act of 2011, the appellant at the most, can be posted in his own union council and not in the present one. Further contended that being a Higher Secondary School for Girls, posting of male Laboratory Attended is protested by the local residents and requested to dismiss the appeal.

5. During the course of arguments, an understanding developed that without touching the merits of the case, if the respondents are ready to consider the transfer of the appellant to his own union council at first instance on falling vacant of a seat at any school in the said union council or if even falls vacant under the Posting/Transfer Policy whichever of the two falls earlier then they would not press their contentions before this Tribunal.

6. As such, in view of the above mutual understanding, the respondents are asked to consider the posting of the appellant in his own union council on falling vacant a seat in any school or if it falls vacant under the Posting/Transfer Policy. With the above observations, the appeal in hand is disposed off accordingly. In the circumstances of the case, parties shall bear their own costs. File be consigned to the record room.

SD
(SUBHAN SHER)
Chairman
Camp Court, Abbottabad.

SD
(ALIMAD HASSAN)
Member

ANNOUNCED
28.06.2018

Certified to be true copy

[Signature]
Khyt. *[Signature]*
Service Tribunal,
Peshawar

Daisy
No. 5914 DE
03-09-2018
469

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب مردانہ ایبٹ آباد

عنوان: درخواست بمراد صدور حکم برائے تعیناتی درگورنمنٹ قریبی سکول یونین کونسل

نگری بالا ایبٹ آباد

جناب عالی!

مؤدبانہ گزارش ہے کہ سائل کی اپیل عدالت عالیہ سروس ٹریبونل خیبر پختونخواہ پشاور
کیمپ کورٹ ایبٹ آباد پر عدالت عالیہ نے بحوالہ مشمولہ آرڈر میری تعیناتی مقامی یونین کونسل
کے سکول میں ویکنسی خالی ہونے پر کیے جانے کے وعدے پر میرے حق میں فیصلہ دیا ہے جس
کی کاپی لف ہذا ہے۔

لہذا استدعا ہے کہ گورنمنٹ ہائیر سیکنڈری سکول نگری بالا میں جہاں غیر قانونی طور پر
تعینات کیے جانے والا ملازم مسمی سکمد ادلیب اٹینڈنٹ پوسٹ پر تعینات ہے جو کہ یونین
کونسل نتھیاگلی کارہاشی ہے اُس کی جگہ مذکورہ سکول میں سائل کو تعینات کیا جائے یا گورنمنٹ
ہائی سکول باگن یونین کونسل نتھیاگلی ایبٹ آباد میں لیٹ اٹینڈنٹ کی خالی پوسٹ پر سائل کی
تعیناتی فرمائی جا کر انتظامیہ متعلقہ کو وعدہ نبھانے کا حکم صادر فرمایا جاوے۔

العارض!

محمد رفاقت لیب اٹینڈنٹ
03/09/2018

گورنمنٹ ہائیر سیکنڈری سکول کیری رائیکی یونین کونسل نتھیاگلی ایبٹ آباد

مورخہ 03/09/2018

رابطہ نمبر 0347-9572165

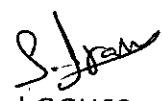
OFFICE OF THE PRINCIPAL GOVT GIRLS HIGHER SECONDARY SCHOOL
KERI RAIKI, ABBOTTABAD

No. 350

Dated 28/09/2018

Subject : RELIEVING CERTIFICATE

In compliance with the order of DEO (Female), Abbottabad Endorsement No. 4941 dated 16/08/2018, issued in the light of the Judgment dated 13/07/2018 in Service Appeal No.162/2018, passed by Honourable KPK Service Tribunal, Peshawar, Mr. Muhammad Rafaqat (Lab Attendant), is hereby relieved from his duty on 28/09/2018 AN, and he is directed to report DEO (Male) Abbottabad for further compliance of the said Judgment of KPK Service Tribunal Peshawar, 13/07/2018.


Principal GGHSS
Keri Raiki, Abbottabad
Principal
GGHSS Keri Raiki
Abbottabad

Copy for information to the:-

1. Honourable Registrar KPK Service Tribunal Peshawar with reference to Service Appeal No. 162/2018
2. PS to Secretary E&SE, KPK, Peshawar.
3. Director E&SE, KPK, Peshawar.
4. District Education Officer (Female) E&SE, Abbottabad.
5. District Accounts Officer, Abbottabad
6. Official Concern.
7. Office File.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY DEPARTMENT ABBOTTABAD

ORDER

As approved by the Departmental Selection Committee, Mr. M. Rafaqat S/O Gul Khitab U/C Nagri Bala Tehsil & District Abbottabad is hereby appointed as Lab: Attended against vacant post at GIS Khaira Gali (Local) on contract basis @ Rs. 4000/- per month fixed in the interest of public service w.e.f of the date of taking over charge on the following terms and conditions: -

TERMS AND CONDITIONS

1. The appointment order is purely on temporary bases and liable to be terminated at any time without assigning any notice/reason.
2. This order is valid for 6 Month. After 6 month service will be extended on the basis of satisfactory performance and good conduct.
3. The salaries of Employee will be paid as and when necessary allocation under proper head will be available.
4. They are required to produce their age and health certificates from the authority concerned with in month positively.
5. In case the above candidates fail to resume the charge of this post with in 15 days after the issuance of the order appointment/candidatures will be stand atomically canceled.
6. The age should not less than 18 year and more than 45 years.
7. No TA/DA is allowed on fresh appointment.


(Syed Bashir Hussain Shah)
Executive District Officer
Sch; & Lit; Abbottabad

Dated 29/9/2007

Order No. 19894-900 / Appointment of Class-D/2007

Copy to the: -


1. The Director (S & L) NWFP Peshawar.
2. The Zilla Nazim Abbottabad
3. The District Coordination Officer Abbottabad
4. The EDO (F&P) Abbottabad.
5. The District Accounts Officer Abbottabad.
6. The Principal/HM/HT of concerned schools.
7. The B & AO Local Office
8. The candidates concerned.


District Officer
Sch; & Lit; Abbottabad

10/10/07

CERTIFICATE

Certified that there is a post of
lab attendant (C-IV) is lying vacant
in this school (GHS Bagan) since
01-03-2018.


HEAD MASTER
Govt. High School
Bagan Abbottabad

OFFICE OF THE PRINCIPAL GOVT GIRLS HIGHER SECONDARY SCHOOL
KERI RAIKI, ABBOTTABAD

No. 350

Dated 28/09/2018

Subject : RELIEVING CERTIFICATE

In compliance with the order of DEO (Female), Abbottabad Endorsement No. 4941 dated 16/08/2018, issued in the light of the Judgment dated 13/07/2018 in Service Appeal No.162/2018, passed by Honourable KPK Service Tribunal, Peshawar, Mr. Muhammad Razaqat (Lab Attendant), is hereby relieved from his duty on 28/09/2018 AN, and he is directed to report DEO (Male) Abbottabad for further compliance of the said Judgment of KPK Service Tribunal Peshawar, 13/07/2018.



Principal GGHSS
Keri Raiki, Abbottabad
Principal
GGHSS Keri Raiki
Abbottabad

Copy for information to the:-

1. Honourable Registrar KPK Service Tribunal Peshawar with reference to Service Appeal No. 162/2018
2. PS to Secretary E&SE, KPK, Peshawar.
3. Director E&SE, KPK, Peshawar.
4. District Education Officer (Female) E&SE, Abbottabad.
5. District Accounts Officer, Abbottabad
6. Official Concern.
7. Office File.

ADD. (E/S)

M. Adjust-
in the light
of Court order.

29/9/18



OFFICE OF THE DISTRICT EDUCATION

OFFICER (FEMALE) ABBOTTABAD

PH# No. 0992-342533 FAX: 0992-342314

E-mail deofemale_abbottabad@yahoo.com

No: 7081 / Dated: 28 /09/2018

To

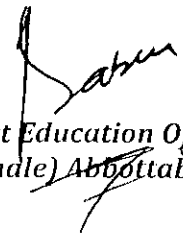
The Principal,
GGHSS Keri Raiki,
Abbottabad

Subject: **Order/Judgment in Services Appeal No. 162/2018, Muhammad
Rafaqat VS E & SE Department Khyber Pakhtunkhwa & Others.**

Memo:

This office has already asked you to relieve Mr. Rafaqat (Lab Attendant) and direct him to report to the Principal GHS Khairagali, Abbottabad at ^{his} original place of duty vide this office letter No: 6941 dated 16/08/2018 but you failed to do so.

You are once again directed to relieve the above said Class-IV and direct him to report at GHS Khairagali with immediate effect under intimation to this office and copy of relieving report may also be send to DEO (M) Abbottabad. As the complainant i.e. Mst. Ayesha Bibi w/o Mujeeb ur Rehman d/o Muhammad Iqbal r/o Keri Raiki approached to the Deputy Commissioner, Abbottabad. The Deputy Commissioner Abbottabad directed this office that implement the judgment of Honourable Service Tribunal with letter and spirit and relieve Mr. Rafaqat (Lab Attendant) without any delay vide his letter No: 5515/PS dated 14/09/2018.


District Education Officer
(Female) Abbottabad

Endst: No. _____/EB-III/PF/M. Rafaqat Dated ___/9/2018.

Copy to:

1. The Deputy Commissioner, Abbottabad with reference to his letter No. 5515 dated 14/09/2018.
2. District Education Officer (Male) Abbottabad.

**DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD**

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.


The posting/transfer order in respect of Muhammad Rafiqat Lab Attendant, from GHS Khera Gali Abbottabad to GGHSS Keri Raiki Abbottabad, issued vide this office under Endst No. 2167-71/A-20/C-IV/Abbottabad dated 12.10.2017 is here by **CANCELLED**.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 187-29 /F.No. 71/A-20/C-IV/Abbottabad-11 Dated Peshawar the 01/11 /2017

Copy forwarded to the:-

1. District Education Officer (Male) Abbottabad.
2. District Education Officer (Female) Abbottabad.
3. District Accounts Officer Abbottabad.
4. Principal/ IIM concerned.
5. Official concerned.
6. Master File.
7. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.


Assistant Director (Admin)

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

Mr. Muhammad Rifaqat Lab Attendant, GJS Khera Gali Abbottabad is hereby transferred/adjusted against vacant post of Lab Attendant at GG1SS Keri Raiki Abbottabad on his own pay and BPS in the interest of public service with effect from the date of his taking over charge.

Note:

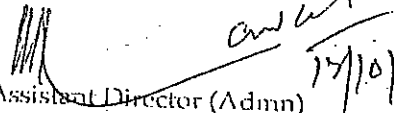
1. Charge report should be submitted to all concerned.
2. NO TA/DA is allowed.
3. The Principals concerned are directed to check their service documents before drawing of their salaries.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 27771 /R.No. 71/A-20/C-IV/Abbottabad-11 Dated Peshawar the 12/10 /2017.

Copy forwarded to the:-

1. District Education Officer (Male) Abbottabad.
2. District Education Officer (Female) Abbottabad.
3. District Accounts Officer Abbottabad.
4. Principal/HM concerned.
5. Official concerned.
6. Master File.
7. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.


Assistant Director (Admn)

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar



OFFICER (FEMALE) ABBOTTABAD

No: 5941

Dated: 16/8 /2018

PH# No. 0992-342533 Fax: 0992-342314

Email: deofemale_abbottabad@yahoo.com

To

*The Principal,
GGHSS Keri Raiki, Abbottabad*

Subject: ORDER/JUDGMENT IN SERVICE APPEAL NO. 162/2018, MUHAMMAD RAFAQAT VS E & SE DEPARTMENT KHYBER PAKHTUNKHWA & OTHERS

Memo:

The decision of the Service Tribunal Camp Court Abbottabad on appeal No: 162/2018 in r/o Muhammad Rafaqat VS E & SE Department Khyber Pakhtunkhwa Peshawar and others received in this office through Assistant Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar vide his letter No: 1592-93/ (Lit: II) dated Peshawar 13/07/2018 with the directions that needful may please be done as per court order. The Court order is reproduced as under:

"During the course of arguments, an understanding developed that without touching the merits of the case, if the respondents are ready to consider the transfer of the appellant to his own union council at first instance on falling vacant of a seat at any school in the said union council or if even falls vacant under the Posting/Transfer Policy whichever of the two falls earlier then they would not press their contentions before this Tribunal.

As such, in view of the above mutual understanding, the respondents are asked to consider the posting of the appellant in his own union council on falling vacant a seat in any school or if it falls vacant under the Posting/Transfer Policy. With the above observations, the appeal in hand is disposed off accordingly. In the circumstances of the case, parties shall bear their own costs. File be consigned to the record room.

As per decision of the court the cancellation of transfer order issued by the Director, E & SE, KP, Peshawar vide his Endst No: 187-89 dated 01/11/2017 is stand as usual. Hence, Mr. Rafaqat, Lab Attendant may be relieved off from his duty from GGHSS Keri Raiki and direct him to report to his original place of posting at GHS Khairagali Abbottabad and copy thereof may be sent to DEO (M) Abbottabad with the request that the concerned Class-IV may be adjusted in his own union council in any male institution as per direction of Court order or with the preview of Posting/Transfer Policy.

*Duan
Abir*
District Education Officer
(Female) Abbottabad

Dated 16/8 / 2018

Endst: No _____

Copy for information to the:

1. The Registrar Honorable, Service Tribunal, Peshawar.
2. DEO (M) Abbottabad for further necessary action as per directions of Honorable Services Tribunal Camp Court, Abbottabad

BA number

431

BC No.

10-1356

S.No 80203



HEAD CLERK
District Bar Association
Abbottabad

Name of Advocate

سردار شجاعت

وکالت نامہ

بعدالت جناب ضیاء الحسنیہ سروسز ٹریڈنگ کمپنی لٹڈ اور

عنوان: محمد رفیق صاحب بنام گوڈونٹ وٹنبرگ

منجانب: سدا سٹاک / امپلائمنٹ نوعیت مقدمہ اعتراض

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی وجوہات برائے پیشی یا تصفیہ مقدمہ بمقام لٹڈ اور کے لیے
سردار شجاعت انڈیا و سید خان محمد رفیق و کونسل مائی کورٹ
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روڈ بروعدالت حاضر ہوتا رہوں گا اور بروقت پکارے
جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ
سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے
علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ
سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے
کسی معاوضہ کے ادا کرنے یا بخاندہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختمہ صاحب موصوف
مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل ٹھہرائی دہرتم
درخواست پر دستخط و 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 ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات
از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقاری یا قرقاری قبل از قرقاری و اجراءے ڈگری بھی صاحب
موصوف کو بشرط ادا کی علیحدہ محتانہ بیرونی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے
کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں
وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف
کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ
کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 2018/10/08

سال دن ماہ

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

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

سرفیض لیب انڈیا
6.6.11.55
صدر وکیل ایڈووایٹ

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AA
Wahid
P. S. M. Khan

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

ADJUSTMENT

In pursuance to the Judgement of Honorable Service Tribunal Camp Court Abbottabad passed in Service Appeal No. 162/2018 dated 28-06-2018, consequent upon the placement of services of Mr. Muhammad Rafaqat, Lab Attendant, GHSS Keri Raiki on the disposal of this office vide DEO(F) Abbottabad letter issued under Endst No. 5942-43 dated 16-08-2018 & further Principal GHSS Keri Raiki No. 350 dated 28-09-2018, the above named official is hereby adjusted against the vacant post of Lab Attendant at GHS Khera Gali i.e. his original place of posting with immediate effect.

Note:-

1. No TA/DA is allowed.
2. Necessary entry should be recorded in his service book.

d/c

District Education Officer (M)
Abbottabad

Endst No: 11926 Appt/Adj/CIV

Date 04/10 /2018

Copy forwarded to :-

1. The Honorable Registrar Service Tribunal Camp Court Abbottabad with reference to Judgement passed in Service Appeal No. 162/2018 dated 28-06-2018
2. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (F) Abbottabad with reference to her office letter cited above.
4. The Principal GHSS Keri Raiki Abbottabad.
5. The Principal GHS Khera Gali Abbottabad
6. The Official concerned.

d/c

District Education Officer (M)
Abbottabad