

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	08.11.2019	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 765/2019</p> <p style="text-align: right;">Date of Institution 21.06.2019 Date of Decision 08.11.2019</p> <p>Muhammad Bilal Hanif son of Muhammad Hanif (late) resident of Mohallah Gulshan Abad Kohat Road Peshawar (presently on duty as Naib Qasid at Government Superior Science College Peshawar.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. Principal GGDC Gulshan Rehman Colony, Kohat Road, Peshawar. 2. Director Higher Education Khyber Pakhtunkhwa, Peshawar. 3. Chief Minister Khyber Pakhtunkhwa through P.S to Principal. 4. Hamdullah (Class-IV) at GGDC Gulshan Rehman Colony, Kohat Road, Peshawar. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney alongwith Muhammad Israr Assistant present.</p> <p>2. The appellant (Naib Qasid) has filed the present service appeal for the purpose of his transfer from Government Superior Science College Peshawar to Government Girls Degree College Gulshan Rehman Colony Peshawar, in accordance with transfer</p>

8-11-2019

order dated 07.05.2018 of JMC Co-ordinator/Principal Government College Peshawar.

3. Arguments heard. File perused.

4. The transfer/posting order dated 07.05.2018 could not materialize due to adjustment of Hamdullah (private respondent No.4) of Frontier Education Foundation, to the post of Naib Qasid at Government Girls Degree College Gulshan Rehman Colony Peshawar vide order dated 02.05.2018.

5. Vide order dated 06.12.2016 the appellant was appointed against the vacant post of Naib Qasid at Government Superior Science College Peshawar under the 25 % quota reserved for the sons of Retired Class-IV Employees, as father of the appellant was a retired Class-IV of Government Superior Science College Peshawar.

6. The appellant has filed departmental appeal for materialization of transfer/posting order dated 07.05.2018 however the same was not decided.

7. In view of the circumstances of the case, the departmental appeal of the appellant is remitted to the appellate authority (respondent No.2) with the direction to decide the same through a speaking order within 30 days of the receipt of this judgment/order. Needless to mention that the delegation of powers of the authority (Director E&SE Khyber Pakhtunkhwa) to JMC Co-ordinator vis a vis inter colleges transfer and posting of Class-IV and ministerial staff of the colleges is yet another question mark.

8. Copy of departmental appeal available on file, be also sent to

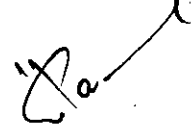
8.11.2019

the authority (respondent No:2) alongwith copy of judgment/order of this Tribunal. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member

Announced
08.11.2019



(Muhammad Hamid Mughal)
Member

07.11.2019

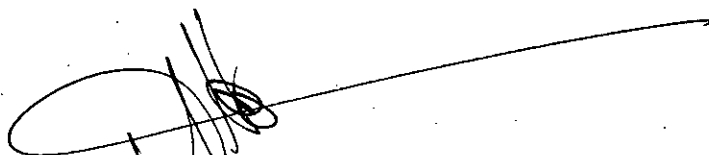
Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 08.11.2019 before D.B.


Member



Member

08.11.2019

Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney alongwith Muhammad Israr Assistant present. Vide separate judgment of today of this Tribunal placed on file, the departmental appeal of the appellant is remitted to the appellate authority (respondent No.2) with the direction to decide the same through a speaking order within 30 days of the receipt of this judgment/order. Copy of departmental appeal available on file, be also sent to the authority (respondent No.2) alongwith copy of judgment/order of this Tribunal. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
08.11.2019

16.09.2019

Clerk to counsel for the appellant present. Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourn. To come up for arguments on 27.09.2019 before D.B.


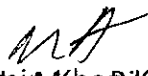

Member


Member

27.09.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 17.10.2019 before D.B.

17.10.2019

 (Hussain Shah) Appellant alongwith his counsel  (M. Amin Khan Kundi) Ahmad Paindakheil, Assistant AG alongwith Mr. Rahatullah, Assistant for official respondents No. 1 to 3 present. None present on behalf of private respondent No. 4 therefore, he is proceeded ex-parte. Case to come up for arguments on 29.10.2019 before D.B.

Member

Member


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

29.10.2019

Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Sajid, Junior Clerk for respondents present. Appellant seeks adjournment due to general strike of the bar. Adjourned. Case to come up for arguments on 07.11.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

765/2019

19.08.2019

Counsel for the appellant and Mr. Rahatullah, Assistant for respondent No. 1 alongwith Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

The representative of respondent No. 1 requests for further time to submit the requisite reply/comments. Adjourned to 02.09.2019 before S.B.

An application praying for restraining the respondents from filling up the post of Naib Qasid at GGDC Gulshan Rahman Colony has been submitted today. Notice of the application be given to the respondents for hearing on next date.

The representative of respondent No. 1 states that respondent No. 4 has been sent on deputation to Lakki Marwat and the disputed post at Gulshan Rahman Colony is vacant at present. The respondents shall not fill up the post by transfer, or otherwise, till next date of hearing.


Chairman

02.09.2019

Appellant alongwith counsel and Asstt. AG alongwith Rahatullah, Asstt. for respondents No. 1 & 2 present.

Parawise comments on behalf of the respondents furnished which are placed on record. The appeal is assigned to D.B for arguments on 16.09.2019. The appellant may submit rejoinder within a fortnight, if so advised. The appellant is also required to submit on the date fixed three copies of application submitted by him on 19.08.2019.


Chairman

31.07.2019

Appellant with counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Rahatullah, Assistant for respondents present.

Representative of respondent no.1 requests for time to submit the reply/comments. Similar request is made by learned District Attorney on behalf of respondents no. 2 and 3. The needful shall be positively on the next date of hearing.

Adjourned to 19.08.2019 before S.B.

The appellant has submitted an application praying therein to restrain the respondents from filling the post of Naib Qasid in GGDC, Gulshan Rehman Colony, Peshawar against which his order of adjustment was made on 07.05.2018. It is contended that subsequent to filing of the instant appeal, the respondent no.4 was transferred from Gulshan Rehman Colony, Peshawar to Govt: Degree College, Sarai Nurang and the disputed post is presently lying vacant. The representative of respondent no.1 has affirmed the position and has also produced copy of office order dated 31.05.2019 whereby the respondent no.4 was adjusted in Sarai Nurang.

In order to provide further complication in the matter the respondents are required to leave the disputed post vacant till next date of hearing if not already filled. Notice of the injunction application be also given to the respondents.


Chairman

765/2019

17.07.2019

Counsel for the appellant present.

An application for extension of time to deposit the security and process fee has been submitted. It is noted in the application that the requisite deposit could not be made in time due to inadvertence of clerk of learned counsel.

Application is allowed and the time for deposit of security and process fee is extended for another period of three days. Upon making the deposit the respondents shall be issued notices as ordered on 03.07.2019.

Appellant Deposited
Security & Process Fee

18/7/19

Adjourned 31.07.2019 for written reply/comments before S.B.


Chairman

03.07.2019

Counsel for the appellant Muhammad Bilal Hanif present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as Naib Qasid. He was transferred from Government Science Superior College Peshawar to Government Girls Degree College Gulshan Rahman Colony Kohat Road Peshawar vide order dated 07.05.2018. The appellant submitted his arrival report but the competent authority did not accept his arrival report therefore, the appellant submitted application for grievance. It was further contended that ultimately the post the appellant in Government Girls Degree College Gulshan Rahman Colony Kohat Road Peshawar was filled up by adjustment of private respondent No. 4 namely Hamdullah by the competent authority without any termination order of the appellant nor the appellant was given any notice therefore, the appellant filed departmental appeal but the same was not responded hence, the present service appeal. It was further contended that the transfer order of the appellant is in field so far but despite that respondent-department filled up the post of the appellant in Government Girls Degree College Gulshan Rahman Colony Kohat Road Peshawar through adjustment of private respondent No. 4 therefore, the impugned order is illegal and liable to be set-aside.

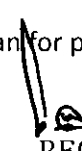

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 17.07.2019 before S.B. Learned counsel for the appellant also submitted application for suspension of transfer order. Notice of the same be also issued to the respondents for the date fixed.


(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 765/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/06/2019	<p style="text-align: center;">The appeal of Mr. Muhammad Bilal Hanif presented today by Mr. M. Sohail Khan Haiderzai 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>21/06/19</u></p>
2-	<u>25/06/19</u>	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/07/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No 765 /2019

Muhammad Bilal Hanif.....(Appellant)

V E R S U S

Principal GGDC and others.....(Respondents)

I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1.	Grounds of Appeal alongwith Affidavit	-	1 To 8
2.	Addresses of the parties	-	
3.	Copy of the order of appointment	'A'	9
4.	Copy of the application	'B'	10
5.	Copy of the order dated 07-05-2018	'C'	11
6.	Copy of the application	'D'	12
7.	Copy of the reminder application	'E'	13
8.	Copy of the order dated 24-12-2018	'F'	14
9.	Copy of the department appeal	'G'	15
10.	Wakalat Nama (in original)	-	18

Appellant

Bilal

Through:

(MUHAMMAD SOHAIL KHAN HAIDERZAI)

Advocate,

Peshawar

Cell # 0300-0581115

Dated: -20-06-2019

20/6/19

①

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No 765 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 880

Dated 21-6-2019

Muhammad Bilal Hanif so of Muhammad Hanif (late) resident of
Mohallah Gulshan Abad Kohat Road Peshawar (presently on duty
as Naib Qasid at Government Superior Science College (GSS)
Peshawar.....(Appellant)

VERSUS

1. Principal GGDC Gulshan Rehman Colony, Kohat Road,
Peshawar
2. Director Higher Education Khyber Pakhtunkhwa Peshawar
3. Chief Minister Khyber Pakhtunkhwa through P.S to Principal
Hamdullah (Class-IV) at GGDC Gulshan Rehman Colony,
Kohat Road, Peshawar.....(Respondents)

Ex - parte
vide order (4)
dated 17-10-19

Filed to-day
Registrar
21/6/19

Appeal under Article 212 of the Constitution of Islamic
Republic of Pakistan, 1973 read with Section 4 of
Khyber Pakhtunkhwa Service Tribunal ^{Act} 1974, against
the impugned order dated 24-12-2018 passed by the
Respondent No 3, whereby Respondent No 3 imposed
major penalty of transfer from one college to
another, which is illegal, unlawful, against the
law, fact and natural justice and liable to be set aside

PRAYER:-

On acceptance of instant appeal, the impugned order of transfer of Hamdullah Class-IV (Respondent No 4) be set aside and instead Applicant be transferred and adjusted as the order was passed by Principal Government College, Peshawar

Respectfully Sheweth:-

The Appellant bet to solicit through instant appeal on following factual and legal grounds, inter-alia amongst others:-

1. That initially the Appellant was appointed as Naib Qasid (Class-IV) on 08-12-2016. (Copy of the order of appointment is attached as Annex 'A').
2. That thereafter Appellant submitted arrival report and joined duty and was posted at Government Superior Science College Peshawar.
3. That Appellant performed his duty with full devotion and liability up-to the satisfaction of his high ups and local inhabitants.
4. That on 15-03-2018, the Appellant made an application for transfer of his own college to Government Girls Degree College Gulshan Rehman Colony Kohat Road, Peshawar. (Copy of the application is attached as Annex 'B').
5. That the Appellant's application was made on the ground of issue of transfer and thus the application was allowed

by the learned Principal of Government College Peshawar, as which is also an appointing authority of Appellant.

6. That consequent upon the recommendation of principals i.e. Principal GGDC Gulshan Rehman Colony Kohat Road Peshawar and Principal of GSSC Peshawar. The JMC Co-ordination adjusted the Appellant and thus transfer order was passed on dated 07-05-2018. (Copy of the order dated 07-05-2018 is attached as Annex 'C').
7. That thereafter, the Appellant came to serve the duty at GGDC Gulshan Rehman Colony Kohat Road Peshawar (Respondent No 1) but the then Principal refused to accept and was told to come after 15 to 60 days to took charge.
8. That where after, the Appellant was informed that another person namely Hamdullah from Frontier Education Foundation is transferred over his transfer, who belongs from Lakki Marwat.
9. That on 22-05-2018, the Appellant made an application for seeking justice in to the matter regarding his transfer/posting to the Chief Minister (Complaint Cell). (Copy of the application is attached as Annex 'D').
10. That thereafter, another reminder application was also made to the Chief Minister (Complaint Cell). (Copy of the reminder is attached as Annex 'E').
11. That on 24-12-2018, the Chief Minister (Complaint Cell) and (Redressal Cell) answered as that the transfer order

was made on Chief Minister's directions. (Copy of the order is attached as Annex 'F').

12. That the Appellant filed departmental appeal against the order dated 27-02-2019 before Respondent No 2 but till-date the Respondent No 2 not passed any order on the same. (Copy of the departmental appeal is attached as Annex 'G').
13. That being aggrieved from the order dated 24-12-2018 of Respondent No 3, the Appellant is before this august Tribunal with the appeal in hand inter-alia on the following amongst other grounds:-

GROUND:-

- A. That the impugned order is illegal, against the law and facts, hence is liable to be set aside.
- B. That the impugned order is based on personal grudges and interest, which is not sustainable.
- C. That the impugned order is against the rules, no regular inquiry was conducted nor was the opportunity of defence and hearing given to the Appellant.
- D. That all the proceeding conducted by Respondent No 1 to 4 is clear violation of rules and issued impugned order for obtaining his immoral goals.
- E. That the act of Respondents is against guaranteed constitutional rights of the Appellant, which are also against the norms and dictates of Islam.

- F. That office of Respondent No 2 is an administrative and establishment/management office and the Respondent No 3 has no concern with the administration work under the control of Respondent No 2.
- G. That the impugned order is issued in a hasty manner, which did not fulfill the codal requirement, hence having no legal value, is liable to be struck down back to his place of posting.
- H. That the transfer of one Hamdullah class-IV (Respondent No 4) is against the policy, rule framed in as much that inspite the Appellant is the local domicile holder and even the Respondent No 1 is in the same street with the Appellant, whereas it is the first right of the Appellant.
- I. That the transfer order of Respondent No 4 by which the Appellant is aggrieved is either made due to favoritism/nepotism or personal like/dislike, hence not tenable.
- J. That this all of sudden whimsical, unwarranted act and action of the Respondents could never be approved; rather it smacks mala-fide and squarely goes against the policy and practice in the department.
- K. That the other points, when graciously allowed shall be submitted and argued at the time of arguments at this august Tribunal.

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It is, therefore, very humbly prayed that on acceptance of this appeal, order of transfer of class-IV Hamdullah (Respondent No 4) be set aside and instead of Appellant be transferred and adjusted against the Class-IV post as was transferred before and the other order may kindly be declare null and void, ab-initio, unlawful and the Appellant be reinstated in service transfer with his own pay and scale.

Any other relief not specifically asked for may also be granted in favour of the Appellant.

Through: Appellant *Bilal*

(MUHAMMAD SOHAIL KHAN HAIDERZAI)
Advocate
Peshawar

Dated: -20-06-2019

CERTIFICATE:-

No such service appeal has earlier been filed by the Appellant before this Honourable Tribunal on the subject matter.

Advocate

MBK
21-6-19

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Muhammad Bilal Hanif.....(Appellant)
VERSUS
Principal GGDC and others.....(Respondents)

AFFIDAVIT

I, Muhammad Bilal Hanif so of Muhammad Hanif (late) resident of Mohallah Gulshan Abad Kohat Road Peshawar (presently on duty as Naib Qasid at Government Superior Science College (GSS) Peshawar, do hereby solemnly affirm and declare on oath that all the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Court.

DEPONENT *Bilal*
CNIC # 17301-7738836-5
Cell # 0313-9853228

Identified by:-

(MUHAMMAD SOHAIL KHAN HAIDERZAI)
Advocate
Peshawar
[Signature]

[Circular Stamp: Shafiqur-Rahman Shabbir, Dist. Peshawar]
[Signature]
21-06-19

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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Muhammad Bilal Hanif.....(Appellant)

V E R S U S

Principal GGDC and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Muhammad Bilal Hanif so of Muhammad Hanif (late) resident of
Mohallah Gulshan Abad Kohat Road Peshawar (presently on duty
as Naib Qasid at Government Superior Science College (GSS)
Peshawar

RESPONDENTS

1. Principal GGDC Gulshan Rehman Colony, Kohat Road,
Peshawar
2. Director Higher Education Khyber Pakhtunkhwa Peshawar
3. P.S to Principal Secretary to Chief Minister Khyber
Pakhtunkhwa
4. Hamdullah (Class-IV) at GGDC Gulshan Rehman Colony, Kohat
Road, Peshawar

Through:

Appellant

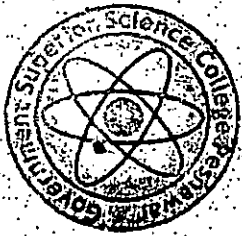
Bilal

(MUHAMMAD SOHAIL KHAN HAIDERZAI)
Advocate
Peshawar

Dated:-20-06-2019

Sohail

(A)



OFFICE OF THE PRINCIPAL
GOVT. SUPERIOR SCIENCE COLLEGE
PESHAWAR

Phone No. 091-2563067 / E-mail- gssc.pesh@yahoo.com

9



OFFICE ORDER

Mr. Muhammad Bilal Hanif S/O Muhammad Hanif (Retired Class-IV of this college) is hereby appointed against the vacant post of Naib Qasid BPS-03 (3040-325-17790) plus usual allowances admissible under the rules at Government Superior Science College Peshawar, with effect from the date of his taking over charge against the vacant post at Government Superior Science College Peshawar. His appointment has been made under the 25% quota reserved for the son of retired Class-IV employee. His name being on the top of the seniority list for the said quota. Moreover, the college selection committee has recommended his name for appointment. The candidate will have to submit the following documents before taking charge.

Terms and conditions

1. His appointment is subject to the production of Medical Fitness Certificate from Police Civil Services Hospital Peshawar.
2. He will be initially, on probation for a period of two years.
3. His services shall be governed under the service rules and regulations of the Provincial government applicable to the government employees of the same category.
4. His services are liable to be terminated on one month prior notice from either side. In case of resignation from the service, one month prior notice will be given by the civil servant or in lieu thereof one month's salary, if any, shall be forfeited.
5. His appointment is subject to the verification of character and antecedents to the satisfaction of the appointing authority. Their services will be liable to be terminated without any notice if they are not found fit subsequently.
6. His documents, if needed, have to be verified from the concerned departments and if found incorrect, their services shall stand cancelled.
7. He is required to report for duty within 30 days of the issue of this order positively otherwise their appointment shall stand cancelled.
8. Charge reports shall be submitted to all concerned.
9. No TA/DA is allowed on joining the post.

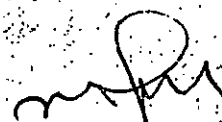
(PROF: SHARIF GUL)
Principal
Govt Superior Science College
Peshawar.

Endstt: No. 990-96

Dated: 06/12/2016

Copy forwarded for information and further necessary action:

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Principal Govt College Peshawar (Co-ordinator Joint Management Counsel)
4. P/S to Secretary, Govt of Khyber Pakhtunkhwa, Higher Education Department.
5. Incharge Class-IV, Govt. Superior Science College Peshawar.
6. Official Concerned
7. Office Record


Principal
Govt Superior Science College
Peshawar.

(B)

10

خدمت جناب پرنسپل صاحب گورنمنٹ گرلز ڈگری کالج
گلشن رحمان

جناب الیہ

تہایت ادب سے گزارش ہے کہ میں
گورنمنٹ سینیئر سائنس کالج میں بطور نائب
ڈپٹی سرانجام دے رہا ہوں۔ اور مجھے ٹرانسپورٹ کا
مسئلہ ہے۔ میرا گھر گلشن رحمان کالج کے قریب ہے۔ لہذا
آپ سے اس درخواست کے ذریعے گزارش کی جاتی ہے
کہ مجھے یہاں پر ٹرانسفر کیا جائے۔ میں آپ کی اس ہر طرف
پر غور و دعا رہوں گا۔

عینہ لہ ازیش ہوگی

No objection
for

العازق

DDO
Govt. Girls Degree College
Kohat Road, Peshawar

آپ کا مخلص محمد نواز حنیف

0313-9853228

No objection over his transfer

Principal
Govt. S.P. College
Peshawar



11



OFFICE OF THE PRINCIPAL GOVERNMENT COLLEGE PESHAWAR

Date: 7-5-18.

OFFICE ORDER

Consequent upon the recommendation of both Principals i.e. Principal GGDC Gulshan Rahman Colony Kohat Road Peshawar & Principal GSSC Peshawar the JMC Co-ordinator/ Principal Government College Peshawar is pleased to adjust Muhammad Bilal Hanif, Naib Qasid GSSC Peshawar at GGDC Gulshan Rahman Colony Kohat Road Peshawar on his own pay & scale in the interest of public service with immediate effect.

Note :-

1. No TA/ DA is allowed.
2. Charge report should be send to all concerned.


Principal
Govt. College Peshawar

Endst No. 5278-82/Gen Correspondence

Copy to:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director Higher Education Khyber Pakhtunkhwa Peshawar.
3. Principal GGDC Gulshan Rahman Colony Kohat Road Peshawar w/r to her recommendation on the body of the application.
4. Principal GSSC Peshawar w/r to his recommendation on the body of the application.

Official enclosed.


Principal
Govt. College Peshawar

To

The Chief Minister Complaint Cell,
Khyber Pakhtunkhwa, Peshawar.

Subject: Application For Seeking Justice In Case Of Transfer / Posting

It is submitted that I have been transferred from Govt. Superior Science College Peshawar to Govt. Degree College for Women Gulshan Rehman, Peshawar by the order of JMC's Principal. But soon after my transfer order, another person is also transferred to that college from GDC Tangi, by the order of Director Higher Education Khyber Pakhtunkhwa Peshawar, which is against the rule. I belong to District Peshawar as per Domicile and CNIC while the other person belong to District Lakki Marwat. Now, the person is trying to persuade compel me to leave this post to him. It is, therefore, requested that you may please take notice of this injustice and order the concerned Principal to give me charge at GDC for Women Gulshan Rehman Colony Peshawar.

Yours truly,

Muhammad Bilal Hanif
Naib Qasid
GSSC Peshawar.
Cell # 0313-9853228
Dated.22.05.2018

Copy to the:

1. Director Higher Education Khyber Pakhtunkhwa, Peshawar.
2. Principal Govt. Degree College for Women Gulshan Rehman, Peshawar



(E)
(CHIEF MINISTER'S COMPLAINT & REDRESSAL CELL)
Chief Minister's Secretariat, Khyber Pakhtunkhwa

Phone No. 091-9222460-64
Fax No. 091-9212237
E.mail Cms_KPK@Yahoo.com
Address: S.A Qayyum Road, Peshawar

13

* Reminder

3)

No. SO(C&RC) CMS/1-67/M. Bilal Hanif/app
Dated Peshawar the

To

The Director,
Higher Education Department,
Peshawar.

Subject: APPLICATION FOR REDRESSAL OF GRIEVANCES

I am directed to refer to this Secretariat letter No. SO (C&RC)CMS/1-67/M. Bilal Hanif /905 dated 24-05-2018 on the subject noted above and to state that progress/outcome in the instant case is still awaited which may please be expedited.


SECTION OFFICER-II (C&RC)

Endst. No. & date even.

Copy forwarded to:-

1. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. PS to Chairman C&RC Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.


SECTION OFFICER-II (C&RC)

o/c



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
KHYBER ROAD, PESHAWAR**

(14)

Tel # 091-9210242 / 9211025 Fax # 091-9211803
E-mail:- dhekppesh@gmail.com Facebook.com/dhekppeshawar Twitter.com/dhekppeshawar1

No. _____ /CA-VIII/Estt: Branch/A-167/ GGC, Gul Shanrehman. Dated Peshawar the 21/11/2018

To

The Section Officer (C&RC),
Chief Minister's Complaint & Redressal Cell,
Chief Minister's Secretariat, Khyber Pakhtunkhwa.

Subject: - APPLICATION FOR REDRESSAL OF GRIEVANCES.

Respected Sir, السلام عليكم

I am directed to refer to your letter No.SO(C&RC)CMS/1-67/M.Bilal Hanif/app/385 dated 29.11.2018, on the subject cited above and to inform you that the post of Naib Qasid at GGDC, Gulshan Rehman Colony (Peshawar) has been filled by adjustment of Mr. Hamdullah, Class-IV of Frontier Education Foundation on Chief Minister directives, please.

(Signature)
(Muhammad Iqbal)
DEPUTY DIRECTOR

Endst.No

31369-521
Copy of the above is forwarded to the:-

1. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. PS to Chairman C&RC Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.
3. Principal/JMC Coordinator, Government College, Peshawar.
4. Mr. Muhammad Bilal Hanif, Naib Qasid, GSSC, Peshawar:

Seen & file
(Signature)
24-11-18

(Signature)
(Muhammad Iqbal)
DEPUTY DIRECTOR

D/No: 497
21/11/2018

(۱۱)

حکومت چناب ڈیپارٹمنٹ یا سسر ایجوکیشن (اعلیٰ تعلیم) خیبر پختونخواہ خیبر پور
لیٹاور

15

معاون :- اہل برخلاف حکم نمبری 34549-52 مورخہ 12/12/2018 جسکی
رو سے فریئر ایجوکیشن ماڈرن لیشن سے مہد اللہ (کلاس فور) (معاون)
کو ٹرانسفر کیا گیا ہے جو کہ غلط خلاف قانون و خلاف واقعات ہے۔

اشدعا حکم منظور اہل معاون ایڈمنٹ کو گورنمنٹ گزٹ ڈگری کالج گلشن رحمان
کالونی لیٹاور سے ٹرانسفر میں حال کیا جائے اور جو غلط بنا رہا ہے مہد اللہ جان کا
وہ واپس کر دیا جائے اور حکم فروری جاری فرمائی جائے۔

چناب عالی! اہل اہل عرض ہے۔

(۱) یہ کہ سائل کا تعیناتی تبادلہ ٹیٹ ویس کلاس فور بنیادی سکول و قنفخو ایجوکیشن گزٹ
ڈگری کالج لیٹاور گلشن رحمان کالونی کو 7-5-2018 کو ہوا۔ نقل لف ہے۔

(۲) یہ کہ سائل نے (F. A) ایف اے پاس کیا ہے اور گورنمنٹ ہیرسٹریشن
کالج میں عمر صیہ دو سال سے تعینات ہے

27-2-19. Receiver

Diary No

3124

Page No-160

(3) یہ کہ مسائل کا تبادلہ گورنمنٹ سپر سٹریٹجی سائنس کالج سے بہ مورخہ 20/5-2018 کو ہوا۔
گولڈن رحمان کالونی گزر کالج کو۔

(4) یہ کہ جیب مسائل نے وہاں خارج لینا چاہا تو کالج ہذا نے کیا کے کچھ دن
انتظار کریں حالانکہ وہاں موجود سٹی خالی تھی۔ اور کیا کہ جیب اسٹیبل لائن جائے
اور نئی ٹکران حکومت بن جائے تو ہم آپ کو خارج دینگے۔ مگر ایسا ہوا نہیں۔

(5) یہ کہ مسائل عرصہ تفریق سے اپنے فرانس اچھن طریقے سے راجا کر رہے ہیں
ہے۔ اور اس بابت کسی سے بھی کالج ہذا میں پوچھا جاسکتا ہے۔

(6) یہ کہ مذکورہ بالا آرڈر جس کا جواب جو اسٹوڈنٹ نے دیا ہے اس میں کسی
منگیم کے دولر اور رنگو لیسٹن کا ذکر نہیں کیا گیا ہے اور لکھا گیا ہے کہ
یہ چیف منسٹر کے آرڈر پر ہوا ہے حالانکہ یہ اختیار ان کے صرف اور

صرف گورنمنٹ کالج شہنکری کے پاس پہلے سے موجود تھے اور ٹکران حکومت نے
تبادلے میں بند کیئے ہوئے تھے۔ چونکہ الیکشن سر پر تھے اسلئے باوجود آرڈر کے اوپر
آرڈر ہوا۔
(7) یہ کہ جیب ایچ آر آر تبادلے پہلے سے ہوا ہے تو اس کے بعد دوبارہ
آرڈر کالون کا خلاف ورزی ہے۔

(8) یہ کہ ایپلنٹے عجاز اٹھادی سے داہلہ بھی کیا مگر کوئی خاطر خواہ جواب
نہیں مل سکا۔

(9) یہ کہ مسائل / ایپلنٹے کو موثر جواب دیا جائے جو کہ کالون کے دائرے
میں دہ کر سو جس سے تل مستفید ہو سکے۔

(15) یہ کہ جو ڈانس ہوائی وہ سر اسر غلط ہے لہذا یہ حکم ہمارے فرمایا جائے کہ
 محمد اللہ (فلاس فور) کو واپس فرسٹر ایجوکیشن فاؤنڈیشن ڈانس کا
 جاریہ اور ایڈوانس کو گورنمنٹ گریڈنگی کالج گلشن و خان کالونی میں
 (17) حال جاری کیا جائے۔ اور یا اس کو کسی اور جگہ ایڈجسٹ کیا جائے۔

(18) یہ کہ بیلا ڈانس میٹر (ایڈوانس) کا ہوا تھا جو نامہ میں بیان کیا گیا تھا۔ وہ ستریک
 کالج دھانس ہریر ہو اس کے علاوہ ڈوسپاٹل بھی منسٹر لیسٹا در کالج
 اور اس فاکس اور جگہ کا۔

لیڈا اسدنا ہدیہ فروری محمد اللہ (فلاس فور) کو واپس کیا جائے اور جگہ ایڈجسٹ
 کیا جائے اور ایڈوانس کو اپنی ڈانس آرڈر پر بحال کیا جائے۔
 تمام فروری اسٹوڈنٹ فرسٹ۔

المرفوعہ : 27-02-2019

Bilk

ایڈوانس سائل بیلا ال عینف ولد محمد عینف (فرح)

گورنمنٹ سیرسٹریٹس کالج لیسٹا در

رابطہ نمبر # 0313-9853228

قیمت
50 روپے

18074



ایڈوکیٹ: محمد شعیب خان چیدرزئی

بار کونسل/ایسوسی ایشن نمبر: 17-7566

رابطہ نمبر: 0300-0581115

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختونخواہ سروس ٹریبونل پشاور

دعویٰ: سروس ایپل	منجانب: ایپل انڈ
علت نمبر: -	محمد بلال حبیب
مورخہ:	
جرم:	
تھانہ:	

بنام: (1) ڈاکٹر بلال چیدرزئی
(2) سروس ایپل
(3) محمد الہدیٰ (10/10/17)
(4) محمد حبیب

باعث تحریر آگہ

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

21-06-2019

المرقوم:

Attested
and
Accepted
by

محمد بلال حبیب
مقام

محمد بلال حبیب و لولو محمد حبیب و لولو محمد حبیب
Bikalal



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
KHYBER ROAD, PESHAWAR**

E-mail:- dhekpkesh@gmail.com

Tel # 091-9210242 / 9211025

Fax # 091-9210215

Facebook.com/dhekpkeshwar Twitter.com/dhekpkeshwar1

Dated Peshawar the 31/5 /2019

OFFICE ORDER:

Mr. Hamdullah Jan, Naib Qasid, Government Girls Degree College, Gulshan Rehman Colony Kohat Road (Peshawar) is hereby adjusted in his own pay and scale against the vacant post of Chowkidar at Government Degree College, Sarai Naurang (Lakki Marwat) on deputation basis in the interest of the public with immediate effect.

Note:-

- i. Charge report should be submitted to all concerned.
- ii. No T.A/D.A is allowed.

DIRECTOR, HIGHER EDUCATION

Endst.No. 12289-95 /CA-VII/Estt: Branch/GGDC Gulshan Rehman

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Managing Director (MD), Frontier Education Foundation (FEF), 32-B Chinar Road, University Town Peshawar.
3. Section Officer (C-IV), Higher Education Department, Khyber Pakhtunkhwa w/r to his letter no. SO(C-IV)/HED/2-1/General File/Vol-IV/2018 dated 20-05-2019.
- ✓ 4. Principal, Government Girls Degree College, Gulshan Rehman Colony Kohat Road (Peshawar).
5. Principal, Government Degree College, Sarai Naurang (Lakki Marwat).
6. District Accounts Officer, Lakki Marwat.
7. Official concerned.

Mis
31/5/19
(Muhammad Iqbal)
DEPUTY DIRECTOR
Jaw

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHWAR**

S.A # 765/2019

Muhammad Bilal Hanif.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa

Through Director,

Directorate of Higher Education Peshawar & othersRespondents

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S.No	Description of documents	Annexure	Page No.
1.	Para Wise Comments		1-2
2.	Affidavit		3
3.	Copy of corrigendum dated 02/05/2018	A	4
4.	Copy of order dated 16/05/2018	B	5
5.	Copy of arrival report submitted by Hamdullah Jan	C	6

R. Muhammad
Respondents 28/8/2019.

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHWAR**

S.A # 765/2019

Muhammad Bilal Hanif.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa

Through Director,

Directorate of Higher Education Peshawar & othersRespondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1, & 2.

Respectfully Sheweth: -

Preliminary Objections:-

1. That the appellant has got no cause of action/locus standi to file the instant Service appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the instant service appeal is hit by doctrine of laches.
4. That the appellant is estopped by his own conduct to file the instant service appeal.
5. Under section 10 of Civil Servant Act 1973, every Civil Servant is liable to be transferred anywhere in Province.

Reply:-

1. Correct.
2. Correct.
3. Pertains to the record.
4. Pertains to the record.
5. Pertains to the record.
6. Correct to the extent that the appellant was transferred to Govt: Girls Degree College, Gulshan Rehman vide order dated 07/05/2018 issued by Joint Management Council Coordinator, Peshawar. It is worth to mention that before issuance of transfer order of the appellant dated 07/05/2018, the Director, Higher Education issued a corrigendum dated 02/05/2018, wherein, Hamdullah Jan, class-IV, an employee of Frontier Education Foundation, was adjusted as Class-IV against the vacant post in Govt: Girls Degree College, Gulshan Rehman (**Annex-A**). Moreover, respondent No. 02 asked the Joint Management Council, Coordinator, to withdraw his office order as Mr. Hamdullah Jan, Class-IV of Frontier Education Foundation, was already adjusted against the said post on 02/05/2018 (**Annex-B**).
7. Incorrect. After issuance of corrigendum, the respondent No. 04 reported for duty on 02/05/2018 (**Annex-C**).


8. Correct that respondent No. 04 was adjusted against vacant post of Class-IV on 02/05/2018 prior to the issuance of transfer notification of the appellant by Joint Management Council, Coordinator, Peshawar. It is imperative to mention here that Chief Minister in meeting of Board of Director (BOD's) of Frontier Education Foundation decided to depute all the staff of Frontier Education Foundation to Higher Education Department on deputation basis for three years. Consequently, the Higher Education Department adjusted all the staff in various colleges of Khyber Pakhtunkhwa. Hence, respondent No. 04 was adjusted in Govt: Girls Degree College, Gulshan Rehman, Peshawar.
9. Correct.
10. Pertains to the record.
11. Correct.
12. Pertains to the record.
13. Needs no comments.


Grounds: -

- a. Incorrect. That impugned order has been passed in accordance with rules/policy.
- b. Incorrect as already explained in the preceding paras on facts.
- c. Incorrect as already explained in the preceding paras on facts.
- d. Incorrect as already explained in the preceding paras on facts.
- e. Incorrect as already explained in the preceding paras on facts.
- f. Incorrect. Respondent No. 02 is the competent authority and always acts according to law/ rules.
- g. Incorrect as already explained in the preceding paras on facts.
- h. Incorrect as already explained in the preceding paras on facts.
- i. Incorrect as already explained in the preceding paras on facts.
- j. Incorrect as already explained in the preceding paras on facts.
- k. That respondents may be allowed to raise additional ground at the time of arguments.

Prayers: -

It is, therefore, humbly prayed that the instant case is based on misconception/misstatement, hence may graciously be dismissed with appropriate costs.


Director,
Higher Education Department
Respondent No.2


Principal,
Govt: Girls Degree College,
Gulshan Rehman, Peshawar
Respondent No. 01



Annex-A 41

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9211025, 9210217, 9210242/Fax # 9210215

Email: dhekpkesh@gmail.com

Dated: 2/5/2018

CORRIGENDUM

Please read the place of posting as Govt; Girls Degree College, Gulshan Rehman, Peshawar against vacant post of Class-IV instead of Government Girls Degree College, Tangi (Charsadda) in respect of Mr. Hamdullah Jan, Class-IV, occurring at serial No. 02 of this office order issued vide Endst; No. 703-22 dated 04.01.2018.

Note:-

The corrigendum issued bearing Endst; No. 3997-4000 dated 09.02.2018 in r/o Mr. Hamdullah Jan is hereby withdrawn.

DIRECTOR, HIGHER EDUCATION

Endst; No. 12628-62

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Govt; Girls Degree College, Gulshan Rehman, Peshawar.
3. Principal, Government Girls Degree College, Tangi (Charsadda).
4. Principal, Government Degree College, Ghazni Khel (Lakki Marwat).
5. District Account Officer, concerned.
6. Official concerned.

2/5/18
DY: DIRECTOR (ACADEMIC)

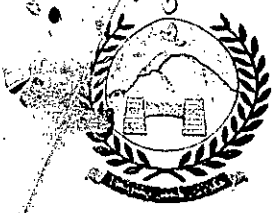
40

Annex B

**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9211025, 9210217, 9210242/Fax # 9210215

Email: dhekpkesh@gmail.com



No. CA-VII/Estt: Branch/A-167/GGC, Tangi

Dated: 16/5/2018

To

The Principal,
Govt; College, Peshawar.

Subject: - WITHDRAWAL OF OFFICE ORDER.

Memo:

I am directed to refer to your office order Endst; No.5278-82 dated 07.05.2018, on the subject noted above and to ask you to withdraw the office order, as this office has already adjust Mr. Hamdullah Jan, Class-IV of FEF on 02.05.2018.

Endst.No 15139 /GGC, Tangi.

DY: DIRECTOR (ACADEMIC)

Copy of the above is forwarded to the:-

1. Principal, Govt. Girls Degree College, Gulshan Rehman Colony Kohat Road, Peshawar, for information.

M/S
11/05/18
DY: DIRECTOR (ACADEMIC)

D.No. 289
22/5/18

To

The Principal
GDC For Women
Gulshan Rehman Khat Road
Peshawar.

Subject: ARRIVAL REPORT

R/Madam

It is submitted that I have
been to GDC For Women, Gulshan Rehman
Peshawar, vide No. 13648-53 dated 2/5/2018
copy attached.

I beg to submitted my arrival
reports for duty on 2/5/2018.

Jan

Hamdullah Jan
Class-IV

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No 765 /2019

Muhammad Bilal Hanif.....(Appellant)

V E R S U S

Principal GGDC and others.....(Respondents)

I N D E X

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6.	Copy of the application	'D'	12
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9.	Copy of the department appeal	'G'	15
10.	Wakalat Nama (in original)	-	18

Appellant *Bilal*

Through:

(MUHAMMAD SOHAIL KHAN HAIDERZAI)

Advocate,

Peshawar

Cell # 0300-0581115

Dated: -20-06-2019

Muhammad Sohail Khan Haiderzai
20-6-19

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No _____/2019

Muhammad Bilal Hanif so of Muhammad Hanif (late) resident of
Mohallah Gulshan Abad Kohat Road Peshawar (presently on duty
as Naib Qasid at Government Superior Science College (GSS)
Peshawar.....(Appellant)

VERSUS

1. Principal GGDC Gulshan Rehman Colony, Kohat Road,
Peshawar
2. Director Higher Education Khyber Pakhtunkhwa Peshawar
3. Chief Minister Khyber Pakhtunkhwa through P.S to Principal
4. Hamdullah (Class-IV) at GGDC Gulshan Rehman Colony,
Kohat Road, Peshawar.....(Respondents)

Appeal under Article 212 of the Constitution of Islamic
Republic of Pakistan, 1973 read with Section 4 of
Khyber Pakhtunkhwa Service Tribunal 1974, against
the impugned order dated 24-12-2018 passed by the
Respondent No 3, whereby Respondent No 3 imposed
major penalty of transfer from one college to
another, which is illegal, unlawful, against the
law, fact and natural justice and liable to be set aside

PRAYER:-

On acceptance of instant appeal, the impugned order of transfer of Hamdullah Class-IV (Respondent No 4) be set aside and instead Applicant be transferred and adjusted as the order was passed by Principal Government College, Peshawar

Respectfully Sheweth:-

The Appellant bet to solicit through instant appeal on following factual and legal grounds, inter-alia amongst others:-

1. That initially the Appellant was appointed as Naib Qasid (Class-IV) on 08-12-2016. (Copy of the order of appointment is attached as Annex 'A').
2. That thereafter Appellant submitted arrival report and joined duty and was posted at Government Superior Science College Peshawar.
3. That Appellant performed his duty with full devotion and liability up-to the satisfaction of his high ups and local inhabitants.
4. That on 15-03-2018, the Appellant made an application for transfer of his own college to Government Girls Degree College Gulshan Rehman Colony Kohat Road, Peshawar. (Copy of the application is attached as Annex 'B').
5. That the Appellant's application was made on the ground of issue of transfer and thus the application was allowed

by the learned Principal of Government College Peshawar, as which is also an appointing authority of Appellant.

6. That consequent upon the recommendation of principals i.e. Principal GGDC Gulshan Rehman Colony Kohat Road Peshawar and Principal of GSSC Peshawar. The JMC Co-ordination adjusted the Appellant and thus transfer order was passed on dated 07-05-2018. (Copy of the order dated 07-05-2018 is attached as Annex 'C').
7. That thereafter, the Appellant came to serve the duty at GGDC Gulshan Rehman Colony Kohat Road Peshawar (Respondent No 1) but the then Principal refused to accept and was told to come after 15 to 60 days to took charge.
8. That where after, the Appellant was informed that another peson namely Hamdullah from Frontier Education Foundation is transferred over his transfer, who belongs from Lakki Marwat.
9. That on 22-05-2018, the Appellant made an application for seeking justice in to the matter regarding his transfer/posting to the Chief Minister (Complaint Cell). (Copy of the application is attached as Annex 'D').
10. That thereafter, another reminder application was also made to the Chief Minister (Complaint Cell). (Copy of the reminder is attached as Annex 'E').
11. That on 24-12-2018, the Chief Minister (Complaint Cell) and (Redressal Cell) answered as that the transfer order

was made on Chief Minister's directions. (Copy of the order is attached as Annex 'F').

12. That the Appellant filed departmental appeal against the order dated 27-02-2019 before Respondent No 2 but till-date the Respondent No 2 not passed any order on the same. (Copy of the departmental appeal is attached as Annex 'G').
13. That being aggrieved from the order dated 24-12-2018 of Respondent No 3, the Appellant is before this august Tribunal with the appeal in hand inter-alia on the following amongst other grounds:-

GROUNDS:-

- A. That the impugned order is illegal, against the law and facts, hence is liable to be set aside.
- B. That the impugned order is based on personal grudges and interest, which is not sustainable.
- C. That the impugned order is against the rules, no regular inquiry was conducted nor was the opportunity of defence and hearing given to the Appellant.
- D. That all the proceeding conducted by Respondent No 1 to 4 is clear violation of rules and issued impugned order for obtaining his immoral goals.
- E. That the act of Respondents is against guaranteed constitutional rights of the Appellant, which are also against the norms and dictates of Islam.

- F. That office of Respondent No 2 is an administrative and establishment/management office and the Respondent No 3 has no concern with the administration work under the control of Respondent No 2.
- G. That the impugned order is issued in a hasty manner, which did not fulfill the codal requirement, hence having no legal value, is liable to be struck down back to his place of posting.
- H. That the transfer of one Hamdullah class-IV (Respondent No 4) is against the policy, rule framed in as much that inspite the Appellant is the local domicile holder and even the Respondent No 1 is in the same street with the Appellant, whereas it is the first right of the Appellant.
- I. That the transfer order of Respondent No 4 by which the Appellant is aggrieved is either made due to favoritism/nepotism or personal like/dislike, hence not tenable.
- J. That this all of sudden whimsical, unwarranted act and action of the Respondents could never be approved; rather it smacks mala-fide and squarely goes against the policy and practice in the department.
- K. That the other points, when graciously allowed shall be submitted and argued at the time of arguments at this august Tribunal.

It is, therefore, very humbly prayed that on acceptance of this appeal, order of transfer of class-IV Hamdullah (Respondent No 4) be set aside and instead of Appellant be transferred and adjusted against the Class-IV post as was transferred before and the other order may kindly be declare null and void, ab-initio, unlawful and the Appellant be reinstated in service transfer with his own pay and scale.

Any other relief not specifically asked for may also be granted in favour of the Appellant.


Through: Appellant Bilal

(MUHAMMAD SOHAIL KHAN HAIDERZAI)
Advocate
Peshawar

Dated:-20-06-2019

CERTIFICATE:-

No such service appeal has earlier been filed by the Appellant before this Honourable Tribunal on the subject matter.

Advocate


BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Muhammad Bilal Hanif.....(Appellant)

V E R S U S

Principal GGDC and others.....(Respondents)

AFFIDAVIT

I, Muhammad Bilal Hanif so of Muhammad Hanif (late) resident of Mohallah Gulshan Abad Kohat Road Peshawar (presently on duty as Naib Qasid at Government Superior Science College (GSS) Peshawar, do hereby solemnly affirm and declare on oath that all the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Court.

DEPONENT *Bilal*
CNIC # _____
Cell # 0313-9853228

Identified by:-

(MUHAMMAD SOHAIL KHAN HAIDERZAI)
Advocate
Peshawar



(8)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Muhammad Bilal Hanif.....(Appellant)

V E R S U S

Principal GGDC and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Muhammad Bilal Hanif so of Muhammad Hanif (late) resident of Mohallah Gulshan Abad Kohat Road Peshawar (presently on duty as Naib Qasid at Government Superior Science College (GSS) Peshawar

RESPONDENTS

1. Principal GGDC Gulshan Rehman Colony, Kohat Road; Peshawar
2. Director Higher Education Khyber Pakhtunkhwa Peshawar
3. P.S to Principal Secretary to Chief Minister Khyber Pakhtunkhwa
4. Hamdullah (Class-IV) at GGDC Gulshan Rehman Colony, Kohat Road, Peshawar

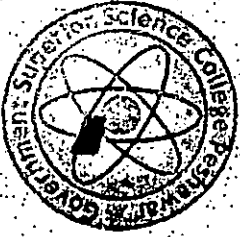
Through: Appellant *Bilal*

(MUHAMMAD SOHAIL KHAN HAIDERZAI)
Advocate
Peshawar

Dated:-20-06-2019

MSH

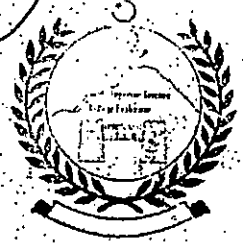
(A)



OFFICE OF THE PRINCIPAL
GOVT. SUPERIOR SCIENCE COLLEGE
PESHAWAR

Phone No. 091-2563067 / E-mail- gssc.pesh@yahoo.com

9



OFFICE ORDER

Mr. Muhammad Bilal Hanif S/O Muhammad Hanif (Retired Class-IV of this college) is hereby appointed against the vacant post of Naib Qasid BPS-03 (3040-325-17790) plus usual allowances admissible under the rules at Government Superior Science College Peshawar, with effect from the date of his taking over charge against the vacant post at Government Superior Science College Peshawar. His appointment has been made under the 25% quota reserved for the son of retired Class-IV employee. His name being on the top of the seniority list for the said quota. Moreover, the college selection committee has recommended his name for appointment. The candidate will have to submit the following documents before taking charge.

Terms and conditions

1. His appointment is subject to the production of Medical Fitness Certificate from Police Civil Services Hospital Peshawar.
2. He will be initially, on probation for a period of two years.
3. His services shall be governed under the service rules and regulations of the Provincial government applicable to the government employees of the same category.
4. His services are liable to be terminated on one month prior notice from either side. In case of resignation from the service, one month prior notice will be given by the civil servant or in lieu thereof one month's salary, if any, shall be forfeited.
5. His appointment is subject to the verification of character and antecedents to the satisfaction of the appointing authority. Their services will be liable to be terminated without any notice if they are not found fit subsequently.
6. His documents, if needed, have to be verified from the concerned departments and if found incorrect, their services shall stand cancelled.
7. He is required to report for duty within 30 days of the issue of this order positively otherwise their appointment shall stand cancelled.
8. Charge reports shall be submitted to all concerned.
9. No TA/DA is allowed on joining the post.

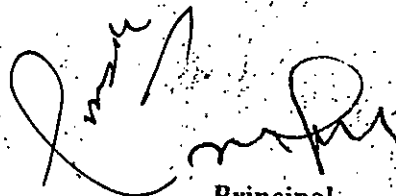
(PROF: SHARIF GUL)
Principal
Govt Superior Science College
Peshawar.

Endstt: No. 990-96

Dated: 06/12/2016

Copy forwarded for information and further necessary action:

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Principal Govt College Peshawar (Co-ordinator Joint Management Counsel)
4. P/S to Secretary, Govt of Khyber Pakhtunkhwa, Higher Education Department.
5. Incharge Class-IV, Govt. Superior Science College Peshawar.
6. Official Concerned
7. Office Record


Principal
Govt Superior Science College
Peshawar.

خدمت جناب پرنسپل مہاجد گورنمنٹ گزٹڈ کالج
گلشن اقبال

جناب اللہ

تہایت ادب سے گزارش ہے کہ میں
گورنمنٹ سینیئر سائنس کالج میں بطور نائب
ڈپٹی سرانجام دے رہا ہوں۔ اور مجھے ٹرانسپورٹ کا
مسئلہ ہے۔ میرا گھر گلشن اقبال کالج کے قریب ہے اور
آپ سے اس درخواست کے ذریعے گزارش کی جاتی ہے
کہ مجھے یہاں پر ٹرانسفر کیا جائے۔ میں آپ کی اس
پر غور دعاؤں دیوں گا۔

عین لٹواریش ہوگی
No objection
mine

العارض

DDO
Govt. Girls Degree College
Koran Road, Peshawar.

آپ کا مخلص محمد نواز حسنی

0313-9853228

No objection over his transfer

PRINCIPAL
Govt. S.P. College
Peshawar

mine

(9)



11



OFFICE OF THE PRINCIPAL GOVERNMENT COLLEGE PESHAWAR

Date: 7-5-18.

OFFICE ORDER

Consequent upon the recommendation of both Principals i.e. Principal GGDC Gulshan-Rahman Colony Kohat Road Peshawar & Principal GSSC Peshawar the JMC Co-ordinator/ Principal Government College Peshawar is pleased to adjust Muhammad Bilal Hanif, Naib Qasid GSSC Peshawar at GGDC Gulshan Rahman Colony Kohat Road Peshawar on his own pay & scale in the interest of public service with immediate effect.

Note :-

1. No TA/ DA is allowed.
2. Charge report should be send to all concerned.

Principal
Govt. College Peshawar

Endst No. 5278-82/Gen Correspondence

Copy to:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director Higher Education Khyber Pakhtunkhwa Peshawar.
3. Principal GGDC Gulshan Rahman Colony Kohat Road Peshawar w/r to her recommendation on the body of the application.
4. Principal GSSC Peshawar w/r to his recommendation on the body of the application.

File closed.

Principal
Govt. College Peshawar

may

To

The Chief Minister Complaint Cell,
Khyber Pakhtunkhwa, Peshawar.

Subject Application For Seeking Justice In Case Of Transfer / Posting

It is submitted that I have been transferred from Govt. Superior Science College Peshawar to Govt. Degree College for Women Gulshan Rehman, Peshawar by the order of JMC's Principal. But soon after my transfer order, another person is also transferred to that college from GDC Tangi, by the order of Director Higher Education Khyber Pakhtunkhwa Peshawar, which is against the rule. I belong to District Peshawar as per Domicile and CNIC while the other person belong to District Lakki Marwat. Now, the person is trying to persuade compel me to leave this post to him. It is, therefore, requested that you may please take notice of this injustice and order the concerned Principal to give me charge at GDC for Women Gulshan Rehman Colony Peshawar.

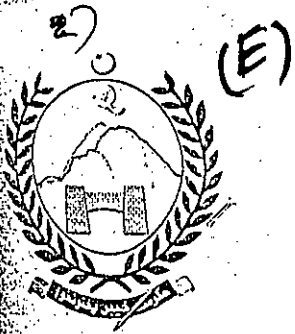
Yours truly,

Muhammad Bilal Hanif
Naib Qasid
GSSC Peshawar.
Cell # 0313-9853228
Dated.22.05.2018

Copy to the:

1. Director Higher Education Khyber Pakhtunkhwa, Peshawar.
2. Principal Govt. Degree College for Women Gulshan Rehman, Peshawar





(CHIEF MINISTER'S COMPLAINT & REDRESSAL CELL)
Chief Minister's Secretariat, Khyber Pakhtunkhwa

Phone No. 091-9222460-64
Fax No. 091-9212237
E.mail Cms_KPK@yahoo.com
Address: S.A Qayyum Road, Peshawar

13

Reminder

3)

No. SO(C&RC) CMS/1-67/M. Bilal Hanif/app (2018)
Dated Peshawar the 11/11/2018

To

The Director,
Higher Education Department,
Peshawar.

Subject: **APPLICATION FOR REDRESSAL OF GRIEVANCES**

I am directed to refer to this Secretariat letter No. SO (C&RC)CMS/1-67/M. Bilal Hanif /905 dated 24-05-2018 on the subject noted above and to state that progress/outcome in the instant case is still awaited which may please be expedited.



SECTION OFFICER-II (C&RC)

Endst. No. & date even:

Copy forwarded to:-

1. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. PS to Chairman C&RC Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.


SECTION OFFICER-II (C&RC)


o/c



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
KHYBER ROAD, PESHAWAR**

(14)

Tel # 091-9210242 / 9211025 Fax # 091-9211803
E-mail:- dhekpkesha@gmail.com Facebook.com/dhekpkesha Twitter.com/dhekpkesha1

No. /CA-VII/Estt: Branch/A-167/ GGC, Gulshanrehman. Dated Peshawar the 21/11/2018

To

The Section Officer (C&RC),
Chief Minister's Complaint & Redressal Cell,
Chief Minister's Secretariat, Khyber Pakhtunkhwa.

Subject: - APPLICATION FOR REDRESSAL OF GRIEVANCES.

Respected Sir, السلام عليكم

I am directed to refer to your letter No.SO(C&RC)CMS/1-67/M.Bilal Hanif/app/385 dated 29.11.2018, on the subject cited above and to inform you that the post of Naib Qasid at GGDC, Gulshan Rehman Colony (Peshawar) has been filled by adjustment of Mr. Hamdullah, Class-IV of Frontier Education Foundation on Chief Minister directives, please.

(Signature)
(Muhammad Iftikhar)
DEPUTY DIRECTOR

Endst.No 31369-52

Copy of the above is forwarded to the:-

1. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. PS to Chairman C&RC Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.
3. Principal/JMC Coordinator, Government College, Peshawar.
4. Mr. Muhammad Bilal Hanif, Naib Qasid, GSSC, Peshawar:

Seen
(Signature)
24-11-18

(Signature)

(Signature)
(Muhammad Iftikhar)
DEPUTY DIRECTOR

D/No: 497
20/11/2018

(3) یہ کہ مسائل کا تبادلہ گورنمنٹ سپر سٹریٹجی سائنس کالج سے بہ موافقہ 2018-5-7 کو ہوا۔
گولڈن رحمان کالونی گزر کالج کو۔

(4) یہ کہ جب مسائل نے وہاں خارج لینا چاہا تو کالج ہذا نے کیا کے کچھ دن
انتظار کر کے حالانکہ وہاں موجود سٹی خالی تھی۔ اور کیا کہ جب سبلی لوٹے جائے
اور نئی ٹرین حکومت بن جائے تو ہم آپ کو خارج دینگے۔ مگر یہ سہرا نہیں۔

(5) یہ کہ مسائل عرصہ تفریق سے اپنے فرانس اچسن طریقے سے راجا کر رہے ہیں
ہے۔ اور اس بات سے کسی سے بھی کالج ہذا میں پوچھا جاسکتا ہے۔

(6) یہ کہ مذکورہ بالا آرڈر جس کا جواب جو اسٹوڈنٹس نے دیا ہے اس میں کسی
منگیم کے دولر اور رنگولسٹن کا ذکر نہیں کیا گیا ہے اور لکھا گیا ہے کہ
یہ چیف منسٹر کے آرڈر پر ہوا ہے حالانکہ یہ اختیار اس کے صرف اور

صرف گورنمنٹ کالج شنگری کے پاس ہے جو عورتوں اور ٹرین حکومت نے
تبادلے میں بند کیے ہوئے تھے چونکہ ایجنٹس سر پر تھے اسکے باوجود آرڈر کے اوپر
آرڈر ہوا۔
(7) یہ کہ جب ایچ آر آر تبادلے سے پہلے سے ہوا ہے تو اس کے بعد دوبارہ
آرڈر کالون کی خلاف ورزی ہے۔

(8) یہ کہ ایپلنٹسٹ عجاز اٹھادی سے دابطہ بھی کیا مگر کوئی خاطر خواہ جواب
نہیں مل سکا۔

(9) یہ کہ مسائل / ایپلنٹسٹ کو موثر جواب دیا جائے جو کہ کالون کے دائرے
میں دہ کر سو جس سے مسائل مستفید ہو سکے۔

(۱۱)

خدمت جناب چٹا بھٹی بائیس ارب کو لیشن (اصل تو لیم) جسپر خوشنوی خواہ جسپر اور
لیٹاور

15

عنوان :- اصل برخلاف حکم نمبری 34549-52 مورخہ 21/12/2018 جسکی
اد سے فریٹ لیکو لیشن عائدہ لیشن سے مہد اللہ (کلاس فور) (بانی)
کو ٹرانسفر کیا گیا ہے جو کہ غلط خلاف کالون و خلاف واقعات ہے۔

استدعا ہے کہ منظور ہو اصل عنوان ایبلٹ کو گورنمنٹ گزٹ ڈگری کالج گلشن رحمان
کالونی لیٹاور سے ٹرانسفر بہ حال کیا جائے اور جو غلط تبادلہ ہوا ہے مہد اللہ جان کا
وہ واپس کر دیا جائے اور حکم فروری جاری فرمایا جائے۔

جناب عالی! اصل بدل عرصہ ہے۔

(۱) یہ کہ سائل کی تفتیشی تبادلہ ٹیٹ ویس کلاس فور بنیادی سکول و فنڈ خواہ گورنمنٹ گزٹ
ڈگری کالج لیٹاور گلشن رحمان کالونی کو 7-5-2018 کو کیا گیا تھا۔

(۲) یہ کہ سائل نے (F.A) ایف اے پاس کیا ہے اور گورنمنٹ سپر ڈیپارٹمنٹ
کالج میں عرصہ دو سال سے تفتیش ہے

27-2-19- Receiver

Diary No
3124

Page No-160

Handwritten signature

(15) یہ کہ جو زینس ہوا ہے وہ سرسری غلطی ہے لہذا حکم ہمارے فرمایا جائے کہ
 محمد اللہ (کلاس فور) کو واپس فریئر ایجوکیشن فاؤنڈیشن زینس کا
 جاریہ اور ایبلٹ کو گورنمنٹ گریڈز کی کالج ٹیچنگ و ایمان کالونی میں
 (17) حال جاری کیا جائے۔ اور آس کو کسی اور جگہ ایڈجسٹ کیا جائے۔

(16) یہ کہ پیلا زینس میرا (ایبلٹ) کا ہوا تھا جو نہ سے بیان کا بائسٹر و سٹریٹ
 کالج دھانس ہنزیر ہو اس کے علاوہ ڈومینٹل بھی سیر لیسٹا در کالج
 اور آس فاکس اور جگہ کا۔

لیڈا اسٹڈیا سے لیکھ فرکورہ محمد اللہ (کلاس فور) کو واپس کیا دے اور جگہ ایڈجسٹ
اور ایبلٹ کو اپنی زینس اور پریجیال کیا جائے۔
* تمام ضروری اسٹڈیا خبریں۔

المرفوعہ : 27-02-2019

اللہ
 ایبلٹ سائل بیبر بلال حنیف ولد محمد حنیف (فرخیم)
 گورنمنٹ سیر سٹڈیا کالج ایڈا
 رابطہ نمبر # 0313-9853228

IN THE COURT OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

765/2019

Muhammad Bilal Hanif

VERSUS

Director Higher Education and others.

APPLICATION FOR GRANT OF ORDER OF TEMPORARY INJUNCTION BY
RESTRAINING THE RESPONDENTS/DEFENDANTS FROM FILING,
POSTING, ALIENATING, TRANSFERRING ETC, THE CAPTIONED
VACANY/POST IN THE NAME OF ANY ONE ELSE, TILL THE FINAL
DISPOSAL OF THIS CASE.

Respectfully Sheweth,

The applicant/petitioner submit as under:

1. That the above titled case is pending before this august Honourable Court and is fixed for hearing on 03/07/2019.
2. That in the disputed post there were Respondent 4 namely Hamd Ullah Jan (Class-IV) who vacated the post in respect of transfer to his own district for which for the submission of service appeal for the transfer of the same is pending before this honourable court.

3. That after vacating the post the above application and appeal became infectious.
4. That now the respondents are again trying to fill out the same post to another person.
5. That the petitioner / appellant requests for temporary injunctions on following grounds: -

Grounds: -

- A. That the applicant has a cause of action and is hopeful about the success of the case.
- B. That balance of convenience also lies in favour of the appellant / applicant and if the respondents are not restrained from their above acts, the appellant / applicant would suffer irreparable loss.
- C. That the temporary injunction not granted the case of the applicant will become more complicated and will cause further litigations between both the parties.
- D. That other ground if any will be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this application the temporary injunction as prayed for be granted in favour of the applicant to the extent of next date that the respondents may be restrained to post/fill the vacancy of

Class-IV through any way and the status quo may kindly be granted.

Dated: 26/06/2019

Applicant

Through

M. SOHAIL KHAN HAIDERZAI

Advocate, Peshawar

26/06-19

Affidavit:

Declared on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Deponent

Bilal

• IN THE COURT OF KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR.

Service Appeal 765 2019

Muhammad Bilal Hanif

Versus

Director Higher Education and others

Application for giving extra time for submission
of Security Fee.

Respectfully sheweth:-

1) That, the above titled appeal is fixed for
hearing today on 17-07-2019.

2) That in the above titled appeal the
Security process fee has not been

submitted well in time, by the client of advocate.

3) That, in the above titled appeal time may
be granted for submission of Security.

It is therefore most humbly
prayed that time may be granted to
submit Security.

Dated: 17-JULY 2019

Through

Appellant

M-Sohail Handerzai

Advocate.
M.S.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

S.A 765/2019

Bilal Hamiz

(Appellant)

Versus

H.E. Department and others

Application for adjournment in the above captioned
Service appeal, fixed today for arguments 27-09-2019

The Petitioner submits as under :-

Respectfully sheweth:-

1) That the appellant is absent today
because of suffering from intestine disease
which is beyond his control.

2) That the appellant will come and attend
his honorable court on the very next date
fixed by his honorable court.

It is therefore most humbly
submitted as above to adjourn
the above service appeal to
next date.

Appellant

Through counsel

Date: 27-09-2019

M. Sohail Haidar
Advocate.
M. Sohail

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 2053 /ST

Dated 26 / 11 / 2019

To


The Director Higher Education Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 765/2019, MR. MUHAMMAD BILAL HANIE.

I am directed to forward herewith a certified copy of Judgement dated 08.11.2019 alongwith departmental appeal passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.



OFFICE OF THE PRINCIPAL GOVERNMENT COLLEGE PESHAWAR

No. 3212-13

Date. 14/11/2016

To,

The Principal,
GDC Sup: SC Peshawar.

Subject:

**CONSIDERATION OF SON OF RETIRED CLASS-IV GOVT SERVANTS
AGAINST THE 25% RESERVED QUOTA FOR CLASS-IV RECRUITMENT.**

Memo,

As per govt policy for the recruitment of one son of the retired Class-iv govt servant against the 25% reserved quota, you are hereby directed to consider, the application of Mr. Muhammad Bilal S/O Mr. Muhammad Harif Retired as Naib Qasid from GDC Sup: SC: Peshawar against the reserved quota as per attached tentative / seniority list. Whenever the vacant post is available, please, after completing the codel formalities as per class-iv recruitment policy of the Government.

[Signature]
Principal

Govt. College Peshawar
JMC Coordinator, HED
District Peshawar

Endst No. 3212-13

Copy to:

1. The Honorable Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.

[Signature]

Principal
Govt College Peshawar
JMC Coordinator, HED
District Peshawar



OFFICE OF THE PRINCIPAL
GOVERNMENT COLLEGE
PESHAWAR



Phone No: 091-9211283, Gmail:govtcollegepeshwar850@gmail.com

Date: 29/11/2016

No. _____

FINAL SENIORITY LIST OF RETIRED CLASS - IV
GOVERNMENT EMPLOYEES SON'S RESERVE 25% QUOTA IN
DISTRICT PESHAWAR.

S.No	Name	Father Name	Date of Retirement	Remarks
1.	Umar Farooq	Muhammad Ashaq Ex- Chowkidar Govt. College Peshawar	06/10/2002	Pre-Mature Retirement (Not Eligible)
2.	Muhammad Bilal Hanif	Muhammad Hanif Ex- Naib Qasid GSSC Peshawar	31/12/2006	Retired on Medical Board (Eligible)
3.	Muhammad Ismail	Ghulam Rasool Ex-Mali GSSC Peshawar	16/03/2008	Superannuation (Eligible)
4.	Rahmat Wali	Mata Wali Ex-Mali GDC Badabir Peshawar	05/09/2011	Superannuation (Eligible)
5.	Faisal Hayat	Noor Akbar Ex- Chowkidar GSSC Peshawar	30/09/2014	Pre-Mature Retirement (Not Eligible)

Prof. Dr. Fazli Subhani
(JMC Coordinator District Peshawar)
Principal
Govt. College Peshawar



DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA PESHAWAR

PHONE NO. 091-9211025-9210242-9211803 FAX NO. 091-9210215

Dated Peshawar the 18/08/2015

NOTIFICATION.

In Pursuance of the decision taken over the agenda item No.4 of the 3rd meeting of Provincial Management Council (PMC) held on 06/04/2015 under the Chairmanship of Secretary Higher Education Archives and Libraries Department, all co-ordinator of the Joint Management Council(JMC) are hereby authorized to exercise the power of posting/transfer of the Class-IV and Ministerial staff (from BPS-01 to BPS-16) in cluster Colleges (Male & Female) under intimation to this office.


This is issued with immediate effect till further orders.

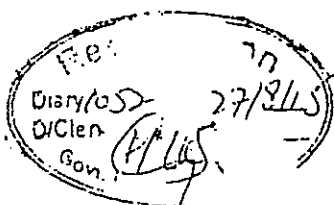
DIRECTOR HIGHER EDUCATION
KHYBER PAKHTUNKHWA

Dist No. 19722-42

Copy of the above is forwarded to the:-

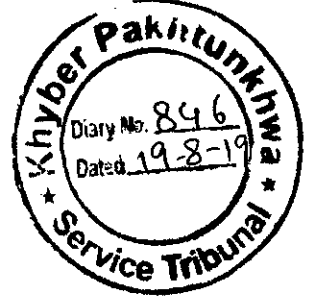
1. PS to Secretary Higher Education Department Govt of Khyber Pakhtunkhwa.
2. All JMC co-ordinator Colleges in Khyber Pakhtunkhwa for strict compliance.
3. PA to Director Higher Education Khyber Pakhtunkhwa.


Deputy Director (Establishment)



IN THE COURT OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

765/2019



Put up to the court with
relevant appeal.

Muhammad Bilal Hanif

VERSUS

Reader
19/8/19

Director Higher Education and others.

APPLICATION FOR GRANT OF ORDER OF PERMANENT INJUNCTION BY
RESTRAINING THE RESPONDENTS/DEFENDANTS FROM FILING,
POSTING, ALIENATING, TRANSFERRING ETC, THE CAPTIONED
VACANY/POST IN THE NAME OF ANY ONE ELSE, TILL THE FINAL
DISPOSAL OF THIS CASE.

Respectfully Sheweth,

The applicant/petitioner submit as under:

1. That the above titled case is pending before this august Honorable Court and is fixed for hearing on 19/08/2019.
2. That in the disputed post there were Respondent 4 namely Hamd Ullah Jan (Class-IV) who vacated the post in respect of transfer to his own district for which for the submission of service appeal for the transfer of the same is pending before this honourable court.

3. That after vacating the post the above application and appeal became infectious.
4. That now the respondents are again trying to fill out the same post to another person.
5. That the petitioner / appellant requests for Permanent injunctions on following grounds: -

Grounds: -

- A. That the applicant has a cause of action and is hopeful about the success of the case.
- B. That balance of convenience also lies in favour of the appellant / applicant and if the respondents are not restrained from their above acts, the appellant / applicant would suffer irreparable loss.
- C. That the Permanent injunction not granted the case of the applicant will become more complicated and will cause further litigations between both the parties.
- D. That other ground if any will be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this application the Permanent injunction as prayed for be granted in favour of the applicant to the extent and till date of deciding the instant appeal hence the respondents may be

restrained to post/fill the vacancy of Class-IV through any way and the status quo may kindly be granted.

Dated: 19/08/2019

Applicant

Through

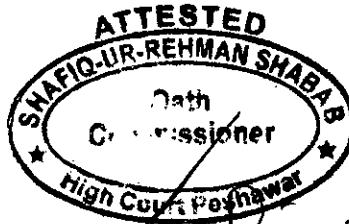
M. SOHAIL KHAN HAIDERZAI
Advocate, Peshawar

Affidavit:

Declared on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Deponent

Bilal



Shafiq-ur-Rehman Shabab
19-08-19.

IN THE COURT OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

S.A. 765/2019

Muhammad Bilal Hanif

VERSUS

Director Higher Education and others.

APPLICATION FOR GRANT OF ORDER OF PERMANENT INJUNCTION BY
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restrained to post/fill the vacancy of Class-IV through any way
and the status quo may kindly be granted.

Dated: 19/08/2019

Applicant

Through

M. SOHAIL KHAN HAIDERZAI

Advocate, Peshawar

Affidavit:

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and correct to the best of my knowledge and belief and nothing
has been concealed from this Honourable Court.

Deponent

B. H. M.