


Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
27.08.2019		<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>AT CAMP COUR D.I KHAN</u></p> <p style="text-align: center;"><u>Appeal No. 74/2019</u></p> <p style="text-align: center;">Date of Institution ... 16.01.2019 Date of Decision ... 27.08.2019 -----</p> <p>Habibullah, son of Muhammad Aslam Khan, resident of Tajjori, Tehsil & District Tank -----Appellant</p> <p style="text-align: center;"><u>Versus</u></p> <p>The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar and other -----Respondents</p> <p>Mr. Muhammad Amin Khan Kundi.....Member(J) Mr. Hussain ShahMember (E)</p> <p><u>JUDGMENT</u></p> <p><u>Mr. HUSSAIN SHAH:-</u> Learned counsel for the appellant and Mr. Farhaj Sikandar learned District Attorney for the respondents present.</p> <p>2. The appellant, being aggrieved by the office order bearing endorsement No. 5065-71/F.No436/VOL-2/ ADEO (M) transfer dated 17.12.2018 the appellant preferred departmental appeal against the impugned order to respondent No.2 which was rejected on 08.01.2019 whereafter the appellant preferred the instant service appeal on 16.01.2019.</p> <p>3. According to the brief facts as noted in the appeal the appellant was serving as ADEO (P&D) in the District Tank. The respondent No.4 transferred the appellant from the same post and place at the disposal of respondent No.5 for further posting as ADEO (M) in the District. Vide order No. 6150-52/F. No.</p>

436/ADEO (M) dated 28.05.2018 the private respondent No.6 was posted as ADEO (P&D) whereas the appellant was posted as SDEO (M). Once again Vide order dated 01.08.2018 the appellant was transferred as ADEO (P&D) and this order was withdrawn on 31.10.2018. The order dated 17.12.2018 was issued wherein the order dated 31.10.2018 was withdrawn on the direction of a political person.

4. Learned counsel for the appellant argued that the appellant has been subjected to repeated posting transfers, victimized without lawful authority on the behest of political considerations. He further argued that the appellant is disable person due to his health issues in his right leg and faces hardship in performing field duties. He further argued that the official respondents failed to observe law, rules and procedure to serve the public interest. The learned counsel for the appellant relied upon the judgment of the Lahore High Court reported on 1997 PLC (C.S) 639 and judgment of August Supreme Court of Pakistan reported on 2002 SCMR 1124, 2007 SCMR 599 and 2018 SCMR 1411. Instead of the prescribed code of conduct the official respondents succumb to the political pressure and ailed to stood by law and policies framed under the law or the purpose of serving the public interest hence the appeal may be allowed as prayed or the impugned transfer order may be cancelled and the result thereof the office order of 01.08.2018 and 31.10.2018 may be restored.

5. The learned Deputy District Attorney contested the facts, grounds of the appeal and argument o the learned counsel for the


appellant and contended that every Civil Servant is required to perform duties as per the directions of the competent authorities within the prescribed context of law/rules/policies. He further contended that the appellant was transferred by respondent No.4 on the direction of Secretary Education Khyber Pakhtunkhwa dated 10.05.2018 on the grounds that the appellant submitted wrong feasibility reports which caused delay in the development work. He further stated the story about the involvement of political figures in the posting transferred of the appellant is a fabricated and self-stated story just to misguide and mislead the Tribunal and seeks sympathy. Further stated that the appellant remain posted as ADEO (P&D) since year 2011. Similarly the grounds of his disability is also not a factor to be considered for making a decision by this Tribunal because the impugned order did not displaced the appellant locational vice nor subjected him to any financial loses because the place of duty of the appellant is within the same premises hence the appeal may be dismissed with compensatory cost to be paid the answering dependents as the appeal has no grounds/baseless.


5. Arguments heard. File perused.

6. After the detailed scrutiny of the documents on record, arguments and counter arguments of the learned counsel of the appellant and the learned Deputy District Attorney this Tribunal observes that both the appellant and private respondents are belong to teaching cadres and after the introductions of the management cadre in the respondent department the posting/transfer of the Civil Servant from the Teaching cadre against the post reserved or the

Civil Servant in the Management cadre is not appropriated in circumstances where the person in the management cadre are available. As regarding the repeated posting transfer of the appellant this Tribunal taking serious notice of the weakness of the District Education Officer of District Tank^W whose conduct in the instant case is a self-speaking evidence. It is also observed that the appellant remain posted as ADEO (P&D) since 2011 as noted in the Para-wise comments of the respondent department, therefore, he has no legal rights to be retain at the same position.

7. In view of the above discussion this Tribunal is of the consider view that the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room after its completion.

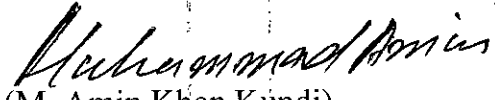

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I Khan


(Hussain Shah)
Member
Camp Court D.I Khan

ANNOUNCED
27.08.2019

27.08.2019 . Learned counsel for the appellant present. Mr. Farhaj Sikandar learned District Attorney for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

Announced
27.08.2019

PCL XL error

Subsystem: KERNEL

Error: IllegalOperatorSequence

Operator: EndScan

Position: 12

14.06.2019

Nemo for appellant. Addl. AG for the official respondents and private respondent No. 6 in person present.

In the previous order dated 27.05.2019 the next date of hearing was shown to be 25.06.2019 at camp court, D.I.Khan. It is, however, informed by Reader of the Tribunal that due to inadvertence the date was noted as such while in the Diary the case was fixed for hearing today. The parties were given Parcha Peshi accordingly.


It appears that due to human error the date has been posted for hearing today. It shall be placed before the D.B at camp court D.I.Khan on 25.06.2019. Notice be issued to appellant for the date fixed.

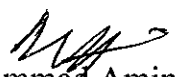

Member


Chairman.

25.06.2019

Counsel for the appellant, Mr. Farhaj Sikandar, District Attorney alongwith Mr. Mehmood Azam, ADO for official respondents No. 1 to 5 and counsel for private respondent No. 6 Mr. Shoukat Ullah Khan, Advocate present and submitted Vakalatnama. Learned counsel for the appellant requested for adjournment. Case to come up for further proceedings on 27.08.2019 before D.B at Camp Court D.I.Khan.


(Hussain Shah)
Member
Camp Court D.I.Khan


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

14.05.2019

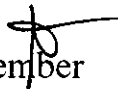
Learned counsel for the appellant and Mr. Zia Ullah Learned Deputy District Attorney for the official respondents present. Private respondent No. 6 also present. Due to leave of the worthy Chairman the case is adjourned. To come up for further proceedings on 27.05.2019 before D.B.



(Hussain Shah)
Member

27.05.2019

Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for official respondents present. Private respondent No.6 also present and seeks adjournment as lawyers community on strike. Adjourn. Application of private respondent No.6 for fixation of the present service appeal at Camp Court, D.I.Khan also received. To come up for further proceedings on 25.06.2019 before D.B at Camp Court, D.I.Khan.




Member

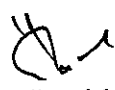


Member

22.04.2019

Learned counsel for the appellant, Mr. Farhaj Sikandar, District Attorney alongwith Mr. Mehmood Azam, ADO for official respondents No. 1 to 5 and private respondent No. 6 alongwith his counsel present. Arguments of learned District Attorney and private respondent No. 6 heard. Learned counsel for the appellant seeks adjournment to argue the case. Adjourn. To come up for arguments on behalf of learned counsel for the appellant on 23.04.2019 before D.B at Camp Court D.I.Khan.


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



(M. Hamid Mughal)
Member
Camp Court D.I.Khan

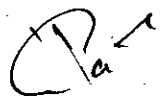
23.04.2019

Appellant absent. Mr. Farhaj Sikandar learned District Attorney on behalf of official respondents present. Private respondent No.6 also present.

Arguments of Learned District Attorney and learned counsel for the private respondent No.6 already heard.

In the present case, the impugned transfer order was suspended vide order sheet dated 22.01.2019 till the next date i.e. 27.02.2019. Interim relief granted vide order sheet dated 22.01.2019 was extended only up to 27.03.2019. In the circumstances of the case, this Tribunal does not deem it proper to further extend the interim relief. Hence the suspension order/interim relief is no more in field. Adjourn. To come up for arguments on behalf of learned counsel for the appellant on 25.06.2019 before D.B at Camp Court, D.I.Khan.



Member
Camp Court, D.I.Khan


Member
Camp Court, D.I.Khan.

Service Appeal No. 74/2019

27.02.2019

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Mehmood Azam, ADO for official respondents No. 1 to 5 and counsel for private respondent No. 6 present. Written reply on behalf of private respondent No. 6 submitted. Written reply on behalf of official respondents No. 1 to 5 not submitted. Representative of the department requested for further time for filing of written reply. Adjourned to 27.03.2019 for written reply/comments before S.B at Camp Court D.I.Khan. Till then the operation of impugned order shall remain suspended.



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

27.03.2019

Counsel for the appellant, Mahmood Azam, ADO for respondents No. 1 and 3 alongwith Mr. Farhaj Sikandar, District Attorney for the official respondents and counsel for respondent No. 6 present.

Reply on behalf of respondents No. 2, 4 and 5 is submitted which is placed on record. The representative of respondents No. 1 and 3 states that the said respondents rely on the reply submitted today.

To come up for arguments on 22.04.2019 before D.B at camp court D.I.Khan. The appellant may submit rejoinder within a fortnight, if so advised.


Chairman
Camp Court, D.I.Khan

22.01.2019

Counsel for the appellant present.

Contends, inter-alia, that the appellant, who was admittedly a disabled person, was firstly transferred in the year 2018 on 25.05.2018 which order was acted upon on 28.05.2018. Once again, on 01.08.2018, the services of appellant were re-adjusted. The said order was ultimately cancelled and then restored. Learned counsel also referred to a letter by a Member of Provincial Assembly Khyber Pakhtunkhwa and stated that the transfer in question was a result of manipulation and recommendations by political figure which was not allowable under the law. The departmental appeal of appellant dated 31.12.2018 was also rejected on 08.01.2019.

In view of the averments of learned counsel and record referred to by him, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 27.02.2019 before S.B at camp court, D.I.Khan.

The appeal is accompanied by an application for suspension of operation of impugned office order dated 17.12.2018. Notice of application be also given to the respondents for the date fixed. Till then the operation of impugned order shall remain suspended.



Appellant Deposited
Security & Process Fee

Chairman
Camp Court, D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 74/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/1/2019	<p>The appeal of Mr. Habibullah presented today by Mr. Muhammad Saleem Khan Marwat 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</p>
2-	16-1-19	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>22-1-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

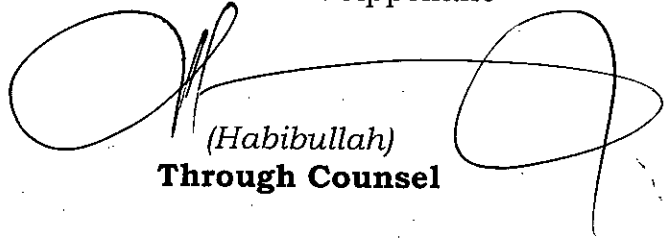
Service Appeal No. 74 of 2019

Habibullah Vs. Govt. of Khyber Pakhtunkhwa etc

INDEX

S#	Description of Documents	Annexure	Page Numbers
1.	Service appeal with Civil Misc.	---	2 - 8
2.	Copies of the disability certificates of appellant	A	9 - 11
3.	copy of the Special CNIC of appellant	B	12
4.	Copy of Office order bearing Endst: No.5084-90/F.No. 436/Vol-02/ADEO(M) Transfer dated 25.05.2018	C	13
5.	Copy of Notification bearing Endst: No.6150-52/F.No.436/ADEEO (M) Transfers/2018 dated 28.05.2018	D	14
6.	Copy of office order bearing No.2895-2901 dated 28.05.2018	E	15
7.	Copy of Notification bearing Endst: No.166-70/F.No.436/Vol-02/ADEO (M) Transfers dated 01.08.2018	F	16
8.	Copy of Office Order bearing Endst. No.3562-66 dated 28.09.2018	G	17
9.	Copy of office order bearing No.10800-5 dated 30.10.2018	H	18
10	Copy of office order bearing Endst. No.5065-71 dated 17.12.2018	I	19
11	Copy of D.O. letter of Mr. Mehmood Ahmad Khan Betanni (MPA PK-94)	J	20
12	Copy of the efficiency report issued by the respondent No.5	K	21
13	Copy of the Departmental Appeal	L	22
14	Vakalatnama	---	23

Yours Humble Appellant


(Habibullah)
Through Counsel

Dt. 16.01.2019


Muhammad Saleem Khan Marwat
Advocate High Court, D.I.Khan.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TANK

No. 3700/DEO-M

Dated Tank the 24/07/2019



To

The Director,
Elementary & Secondary Education,
Khyber Pakhunkhwa, Peshawar.

Subject

NON-HANDING OVER OF COMPLETE P&D RECORD BY MR. HABIB ULLAH EX-ADEO P&D O/O DEO (MALE) TANK

Memo:

In continuation of this office letter bearing No. 3365 Dated: 03-07-2019 copy enclosed, it is brought into your kind notice once again that Mr. Habib Ullah working as ADEO P&D from his date of initial recruitment uptill now.

The Secretary Elementary & Secondary Education vide CPO/PO/E&SE/1-2/Tank Volume IV/2016 Dated: 10-05-2018 & subsequent endorsement of said transfer order vide Director Elementary & Secondary Education No. 5084-90 Dated: 25-05-2018. Copies annexed as A & B.

It is further added that one Mr. Iran Gul Management Cadre was adjusted against the vacant post of ADEO P&D Tank vide Director Elementary & Secondary Education No. 6150-52 Dated: 28-05-2018. (Copy annexed as C)

The said Mr. Habib Ullah submitted an service appeal in Honourable Service Tribunal Dera Ismail Khan bench and interim relief was granted to said Mr. Habib Ullah ADEO (P&D)

The Honourable Service Tribunal Camp at D.I.Khan suspended interim relief of Mr. Habib Ullah on 23-04-2019, Double Bench was camped at D.I.Khan on 23-04-2019. (Copy attached as Annexed D)

The ADEO (P&D) Mr. Iran Gul submitted several complaint to ensure handing over of P&D record time & again but Ex-ADEO (P&D) is continuously reluctant to hand over record and subsequently SHO was deployed by Dy. Commissioner Tank but issue still the same.

It is pertinent to mentioned here that the District Education Officer (Male) marked so many information required to the Govt. of Elementary & Secondary Education and Director to ADEO P&D, but he reports that he has no record.

Respected Sir,

These are the facts that no valid response nor efficient disposal of daily progress in P&D branch is possible. District Education Officer (Male) Tank will never be in a position to respond validly while discussing P&D affairs.

FACTS:

- * The order of Govt. of Elem: & Secy: Education Department not obeyed.
- * The order of Director Elem: & Secy: Education not obeyed.
- * The order of Honourable Service Tribunal not obeyed.
- * The order of District Education Officer (M) not obeyed.

It is worth mentioning that any correspondence with malafied interim by Ex-ADEO (P&D) with any quarter if any would be disowned by the District Education Officer (Male) Tank as there is a risk of high losses to the Government.

Hence detail report is submitted for your kind perusal please.

District

(Ma

24/

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

Service Appeal No. 74 of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 72

Dated 16-1-2019

Habibullah, son of Muhammad Aslam Khan, resident of Tajorri, Tehsil
& District Tank

APPELLANT

VERSUS

1. **Government of Khyber Pakhtunkhwa**, through Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. **Secretary** to Govt of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar.
3. **Deputy Secretary (Estab)**, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
4. **Director**, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
5. **District Education Officer (Male)**, Education Department, Tank.
6. **Iran Gul, ASDEO (Male) City**, Education Department, Tank.

RESPONDENTS

Filed to-day

Registrar

16/1/19

SERVICE APPEAL UNDER SECTION 4 OF THE K.P. SERVICE TRIBUNALS ACT, 1974, AGAINST THE OFFICE ORDER BEARING ENDST. NO. 5065-71/F.No436/VOL-2/ ADEO(M) TRANSFER DATED 17.12.2018 ISSUED BY THE RESPONDENT No.4.

PRAYER:

ON ACCEPTANCE OF PRESENT SERVICE APPEAL AND BY SETTING ASIDE OFFICE ORDER BEARING ENDST. 5065-71/ F.No436/VOL-2/ ADEO(M) TRANSFER DATED 17.12.2018, THE IMPUGNED TRANSFER OF

APPELLANT FROM THE POST OF ADEO (P&D) TANK
MAY GRACIOUSLY BE CANCELLED AND AS RESULT
THEREOF THE OFFICE ORDER NO.166-70 DATED
01.08.2018 AND No.10800-5 DATED
31.10.2018 MAY KINDLY BE RESTORED.

Respectfully Sheweth,

1. That the appellant is serving as ADEO in the Education Department, Tank; and addresses of parties as given above are correct & sufficient for the purpose of service.
2. That the appellant is a disable person from his right foot and in this regard, he has been issued special CNIC. Copies of the disability certificates of appellant are enclosed as **Annexure A**; whereas, copy of the Special CNIC of appellant is enclosed as **Annexure B**.
3. That due to his disability of right leg, the appellant face hardships in performing field duties and therefore, he has been posted as ADEO (P&D) in the office of respondent No.5.
4. That the respondent No.4 vide Office order bearing Endst: No.5084-90/F.No. 436/Vol-02/ADEO(M) Transfer dated 25.05.2018 (**Annexure C**) transferred the appellant from the post of ADEO (P&D) and was placed at the disposal of respondent No.5 for the posting of appellant against vacant post of ADEO (M) Cadre.
5. That thereafter, respondent No.4 vide Notification bearing Endst: No.6150-52/F.No.436/ADEEO (M) Transfers/2018 dated 28.05.2018 (**Annexure D**) posted the respondent No.6 in the place of appellant as ADEO (P&D) in the office of respondent No.5. Whereas, the appellant was posted as SDEO (M) Pry Tank ASDEO

Circle Tank City vide office order bearing No.2895-2901 dated 28.05.2018 **Annexure E** issued by the respondent No.5.

6. That the respondent No.4 vide Notification bearing Endst: No.166-70/F.No.436/Vol-02/ADEO (M) Transfers dated 01.08.2018 **Annexure F** transferred the appellant as ADO (P&D) in the office of respondent No.5 whereas, respondent No.6 was post as ASDEO City Circle Tank. But, through another Office Order bearing Endst. No.3562-66 dated 28.09.2018 **Annexure G** the Notification bearing Endst: No.166-70 dated 01.08.2018 stood withdrawn. However, subsequently, vide office order bearing No.10800-5 dated 30.10.2018 **Annexure H**, the office order bearing No.166-70 dated 01.8.2018 was restored.
7. That the respondent No.4 once again, vide office order bearing Endst. No.5065-71 dated 17.12.2018 **Annexure I**; and thereby the transfer order of appellant as ADO (P&D) vide No.166-70 (i.e. Annexure F) and No.10800 dated 31.10.2018 (i.e. Annexure H) stood withdrawn; and this all was done on the direction of a political figure Mr. Mehmood Ahmad Khan Betanni (MPA PK-94) who D.O. letter in this regard is enclosed as **Annexure J**.
8. That the appellant has been performing his duties efficiently against the post of ADE (P&D) and copy of the efficiency report issued by the respondent No.5 is enclosed as **Annexure K**.
9. That the appellant preferred a departmental appeal against the Office Order bearing No. ~~5065-71~~ dated ~~17-12-2018~~ to the respondent No.2. Copy of the Departmental Appeal is enclosed as **Annexure L**.
10. That aggrieved of the office order bearing No. 5065-71/F.No436/Vol-2/ ADEO(M) Transfer dated 17.12.2018, the appellant has been left with only option to invoke the jurisdiction of this Honourable Tribunal on, inter alia, the following grounds:

GROUND:

- i.* That the impugned Office Order bearing No. 5065-71 dated 17.12.2018 is the outcome of malafide, result of political victimization, without jurisdiction, without lawful authority and having no binding effect upon rights of appellant.
- ii.* That vide Notification bearing Endst: No.166-70 dated 01.08.2018, the appellant was transferred as ADO (P&D) in the office of respondent No.5. This office order was later-on cancelled through letter dated 28.09.2018 however subsequently the same was restored vide office order bearing No.10800-5 dated 30.10.2018; but the same transfer order of appellant and restoration of transfer order were both withdrawn vide impugned office order. Hence, all the letters look like hide-and-seek game in the Department.
- iii.* That due to his disability of right leg, the appellant face hardships in performing field duties and therefore, he has been posted as ADEO (P&D) in the office of respondent No.5 which is a office duty and appellant is performing his said duties efficiently.
- iv.* That the impugned office order has been issued to oblige the political figures of the area and therefore, the same is having no legal sanctity and not worth to be maintained.
- v.* That public officers and public functionaries are bound to obey the law, rules, procedure and being a public servant they are required to serve the public and it is not in their duties to bow before the politicians. Impugned office is therefore nullity in the eyes of law and, rights of appellant are required to be protected from the influence of political figures.

- vi. That the counsel for appellant may be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for and thereby the impugned office order may kindly be cancelled and as result thereof the office order No.166-70 dated 01.08.2018 and No.10800-5 dated 31.10.2018 may kindly be restored.

Yours Humble Appellant



(Habibullah)

Through Counsel

Dt. 07.01.2018



Muhammad Saleem Khan Marwat
Advocate High Court, D.I.Khan.

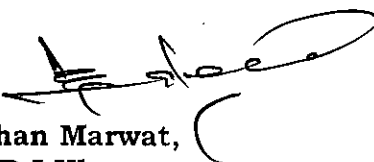
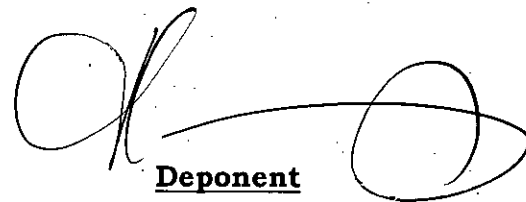
VERIFICATION: I, the appellant, on this day of January-2019, herein mentioned above, do hereby verify that all the contents of this appeal are true & correct and also that it is the first appeal on the subject matter and no such appeal has earlier been filed.



Appellant

AFFIDAVIT: I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.

Identified by Counsel:
Muhammad Saleem Khan Marwat,
Advocate High Court, D.I.Khan.

Deponent

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

Civil Misc. Petition No. _____ of 2018

In Service Appeal No. _____ of 2018

**Habibullah Vs. Govt. of Khyber Pakhtunkhwa etc
Service Appeal**

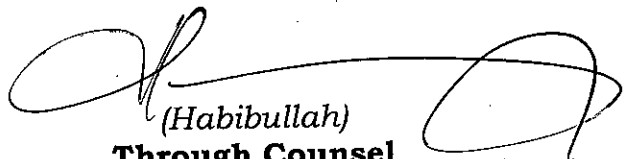
**APPLICATION FOR SUSPENSION OF THE OPERATION OF
IMPUGNED OFFICE ORDER BEARING ENDST. 5065-
71/ F.No436/VOL-2/ ADEO(M) TRANSFER DATED
17.12.2018 TILL FINAL DECISION OF SERVICE
APPEAL; AND IN THE MEANWHILE STATUS QUO MAY
GRACIOUSLY BE ORDERED TO BE MAINTAINED.**

Respectfully Sheweth.

1. That a Service Appeal is being filed before this august court and the grounds of same may please be considered as an integral part of this Petition.
2. That the petitioner/appellant has got a good prima case on law as well as on facts and there is every likelihood of the success of present Writ Petition; hence, balance of convenience tilts in favour of the appellant.
3. That malafide on the part of respondents is apparent on the face of record that the impugned office order has been issued just to oblige political figures of the area; therefore, in case of non-suspension of impugned office order, the petitioner/appellant will suffer an irreparable loss.

It is, therefore, humbly prayed that on acceptance of the present Civil Misc. Petition, the operation of impugned office Order may please be suspended till decision of Service Appeal and the in the meanwhile status quo may please be ordered to be maintained.

Yours Humble Appellant

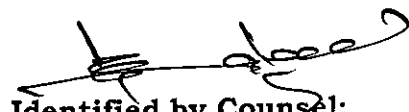

(Habibullah)
Through Counsel

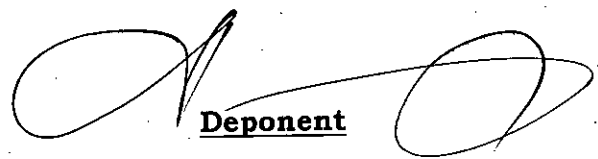
Dt. 07.01.2019.


Muhammad Saleem Khan Marwat
Advocate High Court, D.I.Khan.

AFFIDAVIT

I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.


Identified by Counsel:
Muhammad Saleem Khan Marwat,
Advocate High Court, D.I.Khan.


Deponent

NW7 Med. No. 4

MEDICAL CERTIFICATE

Name of official HABIB ULLAH
 Caste or race Marmat (Pakistani)
 Father's name MUHAMMAD ASLAM
 Residence Village T P 10 Tajori (Gul-Imam)
Teh T - Dist Tank
 Date of birth 20-02-1974
 Exact height by measurement 5-6
 Personal mark of identification Scar on forehead
 Signature of the official [Signature]
 Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. HABIB ULLAH a candidate for employment in the Office of the Edu. Department (A.D.O. Disabled) and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except Foot drop Disability for go. service.

I do not consider this as disqualification for employment in the office of the Edu. Department
 His age according to his own statement 37 year and by appearance about year Thirty Seven

[Signature]
 09/3/11
 Secretary
 Standing Medical Board
 Police/Services, Hospital,
 Peshawar

[Signature]
 Medical Superintendent
 Police/Services, Hospital,
 MEDICAL SUPERINTENDENT,
 Peshawar

CIVIL HOSPITAL _____
 09/3/2011

LEFT HAND THUMB AND FINGER IMPRESSIONS

 Physician
 Police/Services, Hospital,
 Peshawar.

REPORT OF THE MEDICAL BOARD.

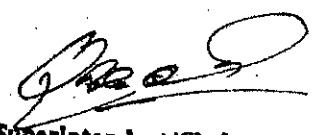
Reference Executive District Officer, Elementary & Secondary Education Deptt: Tank letter No.786 Dated.13-03-2010.

The District Standing Medical Board District Headquarter Teaching Hospital D.I.Khan, examined on 31-03-2010, Mr. Habibullah CT Teacher Govt: Middle School Nasran (Distt: Tank) attached to Executive Dist Officer, Elementary & Secondary Education Deptt: Tank, whose identification marks are (01) A Scar on Forehead (02) A Scar on left side of Forehead, brought by self.

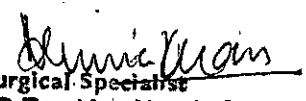
The findings are as under/

The expert opinion of the Assistant Professor (Orthopaedic) Distt: Headquarter Teaching Hospital D.I.Khan & found that Past Fire Arm Injury (Sciatic Nerve Injury Right on examination Right Foot Dro) Due to said Disease he is Disabled.

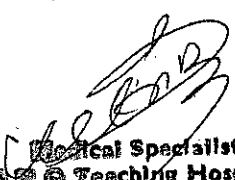
Dr. Qibla Khan Medical Superintendent.


Medical Superintendent/Chairman
D.S.M.B D.H.Q Teaching Hospital
D. I. Khan
(Chairman)

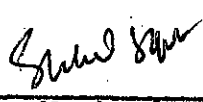
Dr. Akhtar Munir Surgical Specialist.

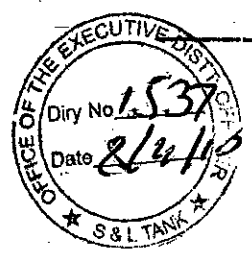

Surgical Specialist
D.S.M.B Teaching Hospital
D. I. Khan
(Member)

Dr. Sultan Nawaz Medical Specialist.


Medical Specialist
D.S.M.B Teaching Hospital
D. I. Khan
(Member)

Dr. Shakeel Ahmed Shah AP (Orthopaedic).


(Co Member)
ASSISTANT PROFESSOR
DHQ: Teaching Hospital
D. I. Khan




**OFFICE OF THE SECRETARY PROVINCIAL COUNCIL
FOR REHABILITATION OF DISABLED PERSONS/
DIRECTORATE OF SOCIAL WELFARE NWFP
PESHAWAR**

Sr.No. 469

Dated Pesh. the 08-09-2003

TO WHOM IT MAY CONCERN.

The Provincial Council for Rehabilitation of Disabled Persons (PCRDP) NWFP, Peshawar recommends the case of Mr. Habibullah S/o Mohammad Aslam R/o Village Tajori, District Tank for appointment against 2% quota reserved for Disabled Persons under Disabled Persons "Employment & Rehabilitation Ordinance 1981", according to his qualification under intimation to this Directorate.


DIRECTOR/SECRETARY
PROVINCIAL COUNCIL FOR REHABILITATION
OF DISABLED PERSONS N.W.F.P. PESHAWAR.

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.**

OFFICE ORDER.

The following postings/transfers are hereby ordered in their own pay and BPS in the interest of public service with immediate effect.

S#	Name and Designation	Where adjusted as	Remarks
1	Mr. Gul Nawaz SST/ADEO (P&D) DEO (F) Tank	His services placed at the disposal of DEO (M) Tank	For further posting against vacant post of SST
2 ✓	Mr. Habibullah ADEO (P&D) DEO (M) Tank	His services placed at the disposal of DEO (M) Tank	For further posting against vacant post of ADEO (M Cadre) post

Note: - compliance report should be submitted to all concerned.

DIRECTOR

Endst: No. 5084-90 /F.No. 436/Vol-02/ADEO (M) Transfers
Dated Peshawar the 25/5 2018

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M&F) Tank.
3. District Accounts Officer Tank.
4. Officials concerned.
5. PA to Director Local Directorate.
6. Master File.

[Signature]
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

[Signature]
25/5/18

Annex D
P-14

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR

NOTIFICATION

Mr. Iran Gul ASDEO (M) City Tank City is hereby transferred and posted against the vacant post of ADEO (P&D) at DEO (M) Tank in his own pay & BPS in the interest of public service with immediate effect.

Note:-

1. Charge report should be submitted to all concerned.
2. No TA/DA etc are allowed.

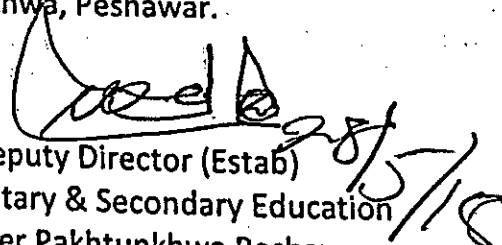
Endst: No. 6150-52 /F. No.436//ADEEO (M) Transfers/2018.


DIRECTOR

Dated Peshawar the 28/05 2018.

Copy of the above is to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M) Tank.
3. District Accounts Officer Tank.
4. SDEO (M) concerned.
5. Official concerned.
6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Master File.


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


28/5/18



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE), TANK**

OFFICE ORDER:

The following orders are hereby made in the light of Director Elementary Secondary Education Khyber-Pakhtunkhwa Peshawar vide his No. 5084-90/F.No.436/-02/ADEO (M) Transfer dated Peshawar the 25/05/2018, in the interest of public service with immediate effect

S.No	Name & Designation	From	To	Remarks
1.	Habib Ullah ADEO (P&D)	DEO (M) Tank	SDEO (M) Pry Tank ASDE Circle Tank city	AV Post

Note: (1) No TA/DA is Allowed

(2) Charge report should be submitted to all concerned.

-sd-

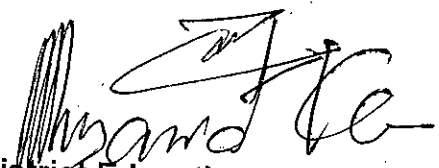
District Education Officer(M)
Tank.

Endst: No 2895-2901 /

Dated Tank the 28/05 /2018.

Copy of the above is forwarded for information & necessary action to,

1. The Director Elementary & Secondary Education KPK Peshawar.
2. The District Accounts Officer Tank
3. The Dy: District Education (M) Tank
4. The Budget & Account Officer Local Office
5. The Sub Divisional Officer (M) Pry Tank
6. The District Monitoring Officer IMU Tank
7. The Officer concerned.


 District Education Officer(M)
 Tank.

28/5/18

Annex - F
P-16

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR

NOTIFICATION

The following posting/transfer are hereby ordered in their own pay and BPS in the interest of public service with immediate effect.

S.No	Name and Designation	Where adjusted as	Remarks
1	Mr. Habib Ullah ASDEO City Circle Tank	ADO P&D, O/O DEO (M) Tank	Vice Serial No.2
2	Mr. Iran Gul ADO P&D, O/O DEO (M) Tank	ASDEO City Circle Tank	Vice Serial No.1

Note:-

1. Charge report should be submitted to all concerned.
2. No TA/DA etc are allowed.


DIRECTOR

Endst: No. 166-70 /F. No.436/Vol-02/ADEO (M) Transfers.

Dated Peshawar the 1-8 2018.

Copy of the above is to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M) Tank.
3. District Accounts Officer Tank.
4. Official concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

ans
1/8/2018
kan
1/8/18

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.OFFICE ORDER.

Consequent upon the ban relaxation by the Honorable Advisor to Honorable Chief Minister for Education Khyber Pakhtunkhwa, the following posting/transfers are hereby ordered in their own pay and PBS in the interest of public service with immediate effect with following terms & conditions.

S#	Name & Designation	Where adjusted as	Remarks.
1	Farooq Khan SST-GHS.Umar Ada District Tank	ADEO (Sports) O/O DEO (M) Tank	Vice S.No.2
2	Muhammad-Usman-SST/ADEO O/O DEO (M) Tank	His services placed at the disposal of DEO (M) Tank	For further posting against vacant post of SST
3	Mr. Khan Zaman SST/ADEO (Estab) O/O DEO (M) Tank	ASDEO (M) Circle Mulazai Tank	Vice S.No.4
4	Mr. Khalid Mehmood Shah SST/ASDEO (M) Circle Mulazai Tank	ADEO (Estab) O/O DEO (M) Tank	Vice S.No.3

The notification issued vide this Directorate under endorsement No. 166-70 dated 01-08-2018 is hereby withdrawn.

TERMS & CONDITIONS:-

1. Charge report should be sent to all concerned.
2. No TA/DA etc are allowed.
3. The order of SST (Teaching cadre) will be effective subject to the condition that he will give an undertaking/affidavit on legal stamp paper to DEO (M) Tank to the effect not claim seniority of management cadre.
4. His seniority will be intact in teaching cadre as per rules. He will not affect the promotion of any incumbent of that cadre.
5. The terms and conditions mentioned in his appointment orders as SST teaching cadre will intact.
6. He will not claim any kind of absorption in management cadre.

Endst: No. 3562-66 /No. 436/Vol-06/ADEO (Male) Transfers Dated Peshawar the 28/9 2018

DIRECTOR

Copy of the above is forwarded to the:-

1. District Education Officer (M) Tank.
2. District Accounts Officer Tank.
3. Principal concerned.
4. Official concerned.
5. PA to Director (E&SE) Local Directorate.
6. Master File.

28/9/18
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER

The transfer order in respect of Mr. Habibullah AD (P&D) O/O DEO (M) Tank issued vide office order No. 166-70 dated 01-08-2018 is hereby restored in the interest of public service.

Compliance report should be sent to all concerned.

DIRECTOR

Encl: Note Book

Ref No 436/Vol 02/ADEO (M) Transfers.

Dated Peshawar the 21/9/2018

Copies of the above is forwarded to the:-

- 1. Accounts Section, Khyber Pakhtunkhwa Peshawar
- 2. District Education Officer (Male) Tank
- 3. District Accounts Officer Tank
- 4. Official concerned.
- 5. PA to Director Local Directorate
- 6. Master File

[Signature]
 Deputy Director (Establishment)
 Elementary & Secondary Education
 Khyber Pakhtunkhwa

[Handwritten]
 21/9/18

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER.

1. The transfer order in respect of Mr. Farooq Ahmed SST from GHS, Umar Ada to DEO (M) Tank as ADEO (Sports) and Mr. Iran Gul as ADEO (P&D) office of the DEO (M) Tank issued vide this Directorate under endorsement No. 3562-66 dated 28-09-2018 is hereby restored.

The office order issued vide this Directorate under endorsement No 1073-77 dated 6-11-2018 is hereby withdrawn.

2. The office order issued vide this Directorate under endorsement No. 10800 dated 31-10-2018 is hereby withdrawn.

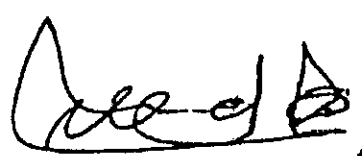
DIRECTOR

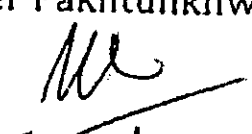
Endst: No. 5065-71/F.No.436/Vol-2/ADEO (M) Transfer.

Dated Peshawar the 17-12-2018

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M) Tank.
3. District Accounts Officer Tank.
4. Principals concerned.
5. Officials concerned.
6. PA to Director Local Directorate.
7. Master File.


Deputy Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa


17/12/18



Mrs. Zainab Khan Bano
Advisor for E & SE KPK

As per the following order, it is requested
to be cancelled.

- 1. ADEO sports order withdraw vide Director
E & SE KPK Peshawar Endot no. 1073-77/F.No-45
Dated Peshawar the 6/11/18
- 2. ADEO P&D order withdraw vide Director E & SE
Endot No. 10800-5/F.No. 426/101-02/ADEO/18
Dated Peshawar the 31/x/2018.

[Handwritten signature]
B.M.H.

[Handwritten signature]
Ben M. De
Director

Annex-K
P-21



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TANK

No: 2502 /

Dated Tank the 4/5 /2018

To

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

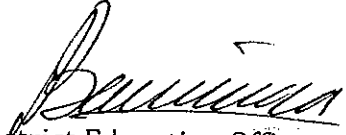
Subject:

EFFICIENCY REPORT IN RESPECT OF MR. HABIB ULLAH ADEO P&D

Memo:

It is stated for your kind information that Mr. Habib ullah ADEO P&D O/O DEO(M) Tank is one of the most efficient, capable, hardworking, punctual and devoted officer. He performs all his duties in most efficient manner and pays due diligent to every official work.

I as a DEO(M) Tank is much satisfactory from his work , especially his mastery over P&D affairs and cooperation with DDU. Due his efforts Dist: Tank gained top position in infrastructure development as showed in Alif- Ailan report 2018.


District Education Officer
(Male) Tank
District Education Officer
Male District Tank
Assistant District Officer
Planning & dev (M)
District Tank

مخدومت جناب عزت آف ڈائریکٹر ایگزیکٹو ایڈمنسٹریٹو سیکشن چیئر، مخدوم خوارزم پشاور

Appeal for withdrawal of the Order No 5065-71/F.No.436/Vol-2/ADEO

(آرڈر کو الٹ ہے) (M) Transfer Dated Peshawar the 17/12/2018

بندوبست

سب ایز گزارشات پیش کرتا ہے۔

یہ کہ سب ایز بطور ADEO / ASDEO Management Cadre اسٹریکٹ ایڈمنسٹریٹو سیکشن آف ایس ایڈمنسٹریٹو سیکشن میں کام کر رہا ہے۔

یہ کہ سب ایز نے طبی معائنہ ADEO P&D کو کیا ہے، بڑی باغی تالی اور معائنہ کو مد نظر رکھ کر یہ کہ یہ تالی تک پہنچایا ہے اور PC-1 سے لیکر

PC-IV تک تمام نئے Establishment / Up-gradation کیلئے پوسٹوں کو منظور کر کے بروقت چھوڑ دیا گیا ہے اور پھر اس

رپورٹ کو High Ups اور DDU کے ساتھ شہر کر کے Budget Execution اسی طریقے سے سرانجام دیا ہے۔

2- یہ کہ سب ایز جسمانی طور پر Disabled ہے جس کے لئے باقاعدہ طور پر Medical Standing Board DHQ

Council for Re-habilitation of Police Services Hospital Peshawar, Dikhan

Disable Person Peshawar اور CNIC پر مشتمل ہو چکا ہے۔

3- یہ کہ سب ایز دائیں پاؤں سے معذور ہے جس کے لئے بطور ASDEO Circle فرانس کے بجائے نافت مشکل اور تکلیف دہ عمل

ہے کیونکہ اس میں دور دراز سکولوں کے وزٹ اور مینٹننگ روزانہ کے خیالوں پر گرانہ پڑتا ہے۔

4- یہ کہ سب ایز سیاسی طور پر کنزرو اور لاوارث ہے اور سیاسی طور پر victimized ہو رہا ہے اور اپنا بیچ نہیں رکھتا ہے۔

5- سب ایز کو بہت مختصر وقت میں بار بار تبدیل کر کے سخت ذہنی اور جسمانی کوفت کا شکار ہوا ہے۔

آپ صاحب سے عاجزانہ گزارش ہے کہ مندرجہ بالا مجبوریوں کو مد نظر رکھ کر آفس آرڈر نمبر 5065-71 / F.No.436

Vol2/ADEO (M) Transfer Dated Peshawar the 17/12/2018 کو منسوخ کر کے آفس آرڈر

کو 10800-5 / F.No.436/Vol-2/ADEO (M) Transfer Dated Peshawar the 31/10/2018

بھال کی جائے۔

الغرض

ADDE
Respected
Amir

08/11/2019

ASDEO (M) Primary Tank

0344-9355363

حبیب اللہ

31-12-18

رابطہ نمبر

DD(M)

ص

9/1

936
9/1



MUHAMMAD SALEEM KHAN

Advocate

bc-10-4802

Date of Issue: September 2018

Valid upto: September 2021



APPELLATE HIGH COURT

وکالت نامہ

کورٹ فیس

Secretary
KP Bar Council

Before Honorable Khyber Pakhtunkhwa ^{بعد ازاں} ^{پشاور} Service Tribunal ^{کوریڈور}
Appellant ^{مخواب} ^{مخواب} Habibullah ^{بنام} Govt of K.P.K

Service Appeal

دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ مقام ^{کیلئے}
Muhammad Saleem Khan Maxwat Advocate

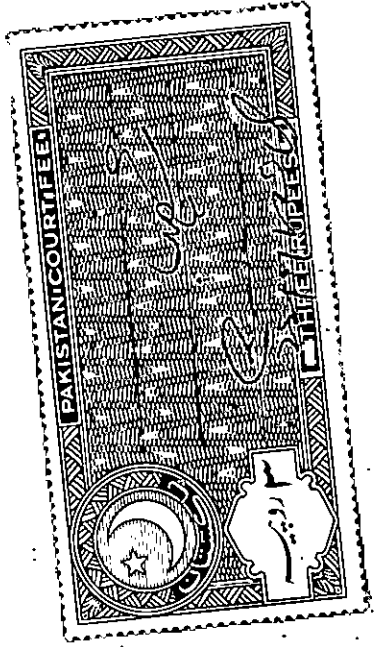
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ مختیار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پشاور کے علاوہ کسی جگہ یا پشاور کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشاور کے علاوہ کسی جگہ یا پشاور کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پشاور کے علاوہ اور جگہ سمیت ہونے یا بروز تعطیل یا پشاور 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 عائد واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مل کر وہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجراء کے ذریعہ نظر ثانی اپیل مگرانی اور حرم درخواست پر دخل تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی قسم یا ذریعہ کے لئے اور حرم کاروبار میں وصول کرنے اور رسید دینے اور داخل کرنے اور حرم کے بیان دینے اور اس پر جانسی یا راضی نامہ دینے اور حلف کرنے، یا قبول دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پشاور صدر پیروی مقدمہ مذکورہ نظر ثانی و اپیل مگرانی و برآمدگی مقدمہ یا منسوخی ذریعہ یا درخواست حکم اختتامی یا قرتی یا گرفتاری قبل از فیصلہ اجراء کے ذریعہ بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مکانہ پیروی کا اختیار ہوگا اور تمام ساختہ پر داخل صاحب موصوف مل کر وہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا مگرانی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا ایئر سٹرگواپے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے شیرتالون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ التزام پڑیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ 07 اداہ 2019

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

العبد العبد العبد

Handwritten signature and stamp



مقدمہ نمبر	مقدمہ دیوانی فوجداری	سروس اپیل			سائل	سليم
مدعی	مدعی ادرعیان	حسب اللہ			ولدیت	سزاد ایڈووکیٹ
مدعا علیہ	مدعا علیہ امدعا علیہم	حکومت K.P.O.K			قومیت	پاکستانی
نوعیت دعوی		سروس اپیل / صدور حکم امتناعی			سکونت	پاکستان
جائے وقوعہ		سروس ٹریبونل للحب لوڈیرو اسماعیل خان			تحصیل	بارہ ڈیو اسماعیل خان
حاکم فیصلہ کنندہ		انجس سروس ٹریبونل ڈیرہ اسماعیل خان K.P.R			ضلع	خان
تاریخ فیصلہ		22-1-2019				
نقل کس کیلئے مطلوب ہے		برائے ضروریات خود یا برائے اپیل				
تفصیل نقول		اپیل صدور حکم امتناعی حکم 22-1-2019	۱ ۲ ۳ ۴ ۵ ۶ ۷ ۸			

I

BEFORE THE KPK SERVICE TRIBUNAL CAMP
COURT D.I.KHAN

Service Appeal No.74/2019

Habib Ullah V/S Govt. of KPK and others

REPLY ON BEHALF OF RESPONDENTS NO. 6

Respected Sir,

Preliminary Objections:

1. That this learned Tribunal has got no jurisdiction.
2. That the Appellant has no cause of action and locus standi.
3. That the Appellant is estopped to sue due to his own conduct.
4. That the Appellant has filed the instant suit to blackmail the answering respondent.
5. That the Appeal is not maintainable in its present Form.
6. That it is not the sweet will and choice of the employee to be posted on particular post but it is the prerogative of the Competent Authority to issue order of posting and transfer in the interest of public service as provided under the provisions of KPK Civil Servant Act.
7. That the Appellant is not entitled for any relief from this learned tribunal.

Qureshi

Reply on facts!

1. That this Para needs no reply.
2. That this Para needs no reply.
3. That this Para is incorrect and misconceived. The Appellant is seeking undue favour from the department on the basis of disability, it does not mean that the Appellant be remained posted on a particular post for life time.
4. That this Para is correct to the extent that the order of transfer of Appellant was issued by Respondent No. 4 in compliance with the letter of complaint issued by Secretary Education KPK Peshawar dated 10.05.2018 wherein direction was given to respondent No. 4 to transfer Appellant as he has submitted wrong feasibility reports which hinders development works. Copy of letter of Secretary Education is enclosed herewith.
5. That this Para needs no reply.
6. That this Para also needs no reply. However, the transfer was made by the undue approach of Appellant.
7. That this Para is incorrect and misconceived. The order of transfer of answering respondent was made by the respondent No. 4 pursuant to the letter of Secretary Education KPK Peshawar against the appellant. It is pertinent to mention here that the story of indulgence of political figure Mr. Mehmood Ahmad Khan Bittani MPA letter's is a fabricated and self stated story of Appellant

Amir

and the alleged D.O letter has been fraudulently prepared by the Appellant himself just to misguide and mislead this honourable Tribunal and to seek sympathy of the tribunal.

8. That this Para is incorrect and misconceived. The Appellant was remained posted on the post in question since year 2011 while it is a settled proposition of service law that transfer and posting is not the vested right of a civil servant but under the law, the civil servant shall be liable to serve anywhere within or outside the province. It is also pertinent to mention that the Appellant has neither been transfer out of the city/ station nor there is any financial loss in the shape of salary / pay but the transfer of Appellant and answering respondent is within the office and as such the Appellant has no cause of action.
9. That this Para is incorrect and misconceived. The alleged appeal of the appellant is not in accordance with law as the same has not been preferred through proper channel and such filing of such appeal tantamount to misconduct punishable under the E&D rules.
10. That this Para is incorrect and misconceived. The Appellant has no cause of action and locus standi to file the Appeal.

Quint

4

Reply on Grounds!

- (i) That this Para is incorrect and misconceived. The Appellant has no vested right to be posted on a particular post for life time.
- (ii) That this Para is incorrect and misconceived as per the reply as submitted in the above Paras of facts.
- (iii) That this Para is incorrect and misconceived. The order of transfer and posting of answering respondent was made in compliance with the letter of complaint issued by Secretary Education against the Appellant.
- (iv) That this Para is incorrect and misconceived. The D.O letter of the MPA is forged and bogus one and is self-prepared document of the Appellant.
- (v) That this Para is incorrect and misconceived. The Appellant is habitual litigant and it is his hobby to seek undue favour and relief from the Court of law in order to be remained posted on the post in question for life time which is not his vested right and this fact is evident from the previous round of litigation which he sought by filing Writ petition No. 326-D/2013 decided by the honourable High Court D.I.Khan Bench on 12.06.2014.
- (vi) That this Para needs no reply.

June

4 5

It is, therefore, requested that Appeal of the Appellant may please be dismissed with compensatory costs to be paid to the answering defendant as provided under the law.

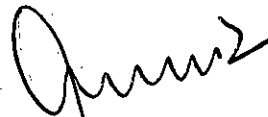
Your Humble Respondent



Iran Gul

Respondent No. 5
Through Counsel

Dated: 27.02.2019



Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

VERIFICATION

Verified at Dera Ismail Khan today this 27th day of Feb 2019 that contents of Reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable court



DEFENDANT

6

BEFORE THE KPK SERVICE TRIBUNAL CAMP
COURT D.I.KHAN

Misc. Application No. _____/2019

in

Service Appeal No.74/2019

Habib Ullah V/S Govt. of KPK and others

REPLY ON BEHALF OF RESPONDENT NO. 6 TO THE
APPLICATION FOR SUSPENSION OF OPERATION OF
IMPUGNED OFFICE ORDER

Respected Sir,

1. That this Para need no reply.
2. That this para is incorrect and misconceived. The answering respondent has been posted in compliance with the order of Secretary of Education and the appellant has no cause of action.
3. That this is incorrect and misconceived as explained in the reply of main appeal.

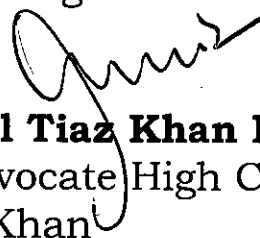
It is, therefore, requested that Application of the Appellant for suspension of operation of impugned office order may please be dismissed and the order dated 22.01.2019 of this honourable tribunal may please be vacated.

Your Humble Defendant



Iran Gul
Respondent No. 6
Through Counsel

Dated: 27.02.2019


Gul Tiaz Khan Marwat
Advocate High Court
DIKhan

B 7

VERIFICATION

Verified at Dera Ismail Khan today this 27th day of Feb 2019 that contents of Reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable tribunal



DEFENDANT



**OFFICE OF THE EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION, TANK**

Ph#0963-510356, 510380, 510381

OFFICE ORDER

Consequent upon the posting of Assistant District Officers of Management Cadre, vide Director E&SE
Hawar No. 1102-35 dated 10/05/2011, 584-830 dated 05/05/2011, 1896-1935 dated 13/05/2011, they are further posted and adjusted
under w.e.f dates from their arrival noted against each in the interest of public service.

S.#.	Name of Officer	From	To	Date of arrival	Remarks
1	Iran Gul	CT GHS Tajori under order of posting of ADO	Posted as ADO Tajori Circle, o/o DDO (M) E&SE Tank	07/05/2011	Against Vacant Post voice Mr. Khadim Rasool transferred
2	Malak Khan	SET GHS Sara Rogha SWA under order of posting of ADO	Posted as ADO Gara Baloch Circle, o/o DDO (M) E&SE Tank	07/05/2011	Against Vacant Post Voice Yaqoob Khan transferred
3	Muhammad Ejaz	CT GHS Tiarza SWA under order of posting of ADO	Posted as ADO Tank Circle o/o DDO (M) E&SE Tank	12/05/2011	Against Vacant Post voice Abdus Salim transferred
4	Shah Zar Khan	CT GHS Wanna SWA under order of posting of ADO	Posted as ADO Gomal Circle o/o DDO (M) E&SE Tank	11/05/2011	Against Vacant Post voice Shakil Ahmad transferred
5	Habib Ullah	CT GMS Nassran under order of posting of ADO	Posted as ADO P&D o/o (EDO) E&SE Tank	07/05/2011	Against vacant Post voice Gal Nawaz transferred
6	Shahab ud Din	SET GHS Muhammad Khel NWA under order of posting of ADO	Posted as ADO o/o EDO) E&SE Tank	20/05/2011	Against vacant post
7	Muheb ur Rehman	SET GHS Kaniguram SWA under order of posting of ADO	Posted as ADO o/o EDO) E&SE Tank	20/05/2011	Against vacant post

- Note:
1. Charge Report should be given to all concerned.
 2. No TA/DA is allowed.

Executive District Officer
Elem: & Secy: Edu: Tank

Tank the 26/05 /2011

Endst: No. 2812-171

Dated

Copy of the above is forwarded for information & necessary action to:

1. The Director Elem: & Secy: Education Peshawar.
2. The District Accounts Officer, Tank
3. The Manager National Bank of Pakistan Sadam Plaza Tank.
4. The District Officer (M), E&SE Tank.
5. The Deputy District Officer (M), E&SE Tank.
6. The Budget & Accounts Officer, Local Office.

Executive District Officer
Elem: & Secy: Edu: Tank

43

307

SECTION OFFICER (SCHOOLS MALE)

[Handwritten signature]

Dist. Peshawar, Peshawar

A copy of the above is forwarded to the
Under Exam No. & Date

SECTION OFFICER (SCHOOLS MALE)
(ANR/TA/PA/MD)

[Handwritten signature]

Dist. Peshawar, Peshawar

Encl. As above

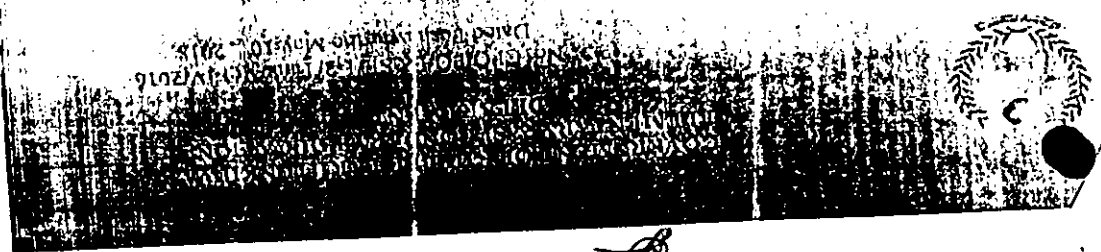
The Competent Authority has therefore decided that both the ADEOs (P&D) be
retrained and their efficient substitutes be provided at the earliest
reports which hinders developmental work.
I am directed to refer to the subject cited above and to state that the ADEOs (P&D)
at DEO (Male) & DEO (Female) offices Tank have been reported to submit wrong feasibility

TRANSFERS OF ADEOs (P&D) AT THE OFFICES OF DEO (MALE &
FEMALE) TANK.

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

To

19/8



70

10
C
/

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.**

OFFICE ORDER.

The following postings/transfers are hereby ordered in their own pay and BPS in the interest of public service with immediate effect.

S#	Name and Designation	Where adjusted as	Remarks
1	Mr. Gul Nawaz SST/ADEO (P&D) DEO (F) Tank	His services placed at the disposal of DEO (M) Tank.	For further posting against vacant post of SST.
2	Mr. Habibullah ADEO (P&D) DEO (M) Tank	His services placed at the disposal of DEO (M) Tank.	For further posting against vacant post of ADEO (M.Cadre) post.

Note: - compliance report should be submitted to all concerned.

DIRECTOR

Encls: No. 5084-20 /F.No. 436/Vol-02/ADEO (M) Transfers.
Date: Peshawar the 25/5 2018.

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M&F) Tank.
3. District Accounts Officer Tank.
4. Officials concerned.
5. PA to Director Local Directorate.
6. Master File.

M. S. 20/5/18
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

~~(A)~~
**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR**

NOTIFICATION

Mr. Iran Gul ASDEO (M) City Tank City is hereby transferred and posted against the vacant post of ADEO (P&D) at DEO (M) Tank in his own pay & BPS in the interest of public service with immediate effect.

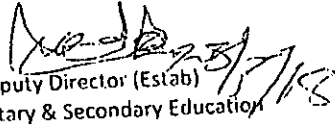
Note:-

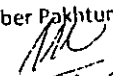
1. Charge report should be submitted to all concerned.
2. No TA/DA etc are allowed.

Endst. No. 6/5052 F. No.436//ADEEO (M) Transfers/2018.
Dated Peshawar the 28/05 2018.

Copy of the above is to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M) Tank.
3. District Accounts Officer Tank.
4. SDEO (M) concerned.
5. Official concerned.
6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Master File.


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


28/05/18

11
D



12
**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE), TANK**

OFFICE ORDER:

The following orders are hereby made in the light of Director Elementary Secondary Education Khyber Pakhtunkhwa Peshawar vide his No. 5084-90/F.No.436/-02/ADEO (M) Transfer dated Peshawar the 25/05/2018, in the interest of public service with immediate effect.

S.No	Name & Designation	From	To	Remarks
1.	Habib Ullah ADEO (P&D)	DEO (M) Tank	SDEO (M) Piry Tank ASDEO Circle Tank city	AV Post

Note: (1) No TA/DA is Allowed

(2) Charge report should be submitted to all concerned.

sd-
District Education Officer(M)
Tank.

Endst: No 2895-2901 / Dated Tank the 28/05 /2018.

Copy of the above is forwarded for information & necessary action to,

1. The Director Elementary & Secondary Education KPK Peshawar.
2. The District Accounts Officer Tank
3. The Dy. District Education (M) Tank
4. The Budget & Account Officer Local Office
5. The Sub Divisional Officer (M) Piry Tank
6. The District Monitoring Officer IMU Tank
7. The Officer concerned.

District Education Officer(M)
Tank. 28/5/18

(Signature)

E

13

To

The District Education Officer,
Male, Tank

Subject

ARRIVAL REPORT

R/Sir,

In compliance of Director Elementary & Secondary Education Khyber
Pakhtunkhwa, Peshawar Notification No. 6150-52/F.No. 436/ADE O (M) Transfers/2018

Dated: 28-05-2018 report for duty today on: 30-05-2018/PN.

Please accept my arrival.

*Arrival Reports
accepted*

on 30/5/18

(Signature) 30/5/18

(IRAN GUL)
ADEO (P&D) Local Office

(Signature) 30/5/18

156

14

CERTIFICATE OF TRANSFER OF CHARGE

(3) Certified that we have on the fore / afternoon of this day 30-05-2018 FN respectively made over and received charge of the post of "ADEO P&D" vide Director of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar Notification No. 6150-52/F.No. 436/ADEEO (M) Transfers/2018 Dated: 28-05-2018.

(4) Particular cash and important secret and confidential documents handed over and noted on the reverse.

Signature of retired

Government Servant: _____

Designation _____

Signature of relieving

Government Servant: Mr. Gul.

Designation ADEO(M) P&D

Station: TANK

Dated: 30 / 05 / 2018


OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TANK

No. 3036/37 /

Dated Tank: the 4/6 / 2018

Copy of the above is forwarded for information & necessary action to:-

1. The Director E&SE, Peshawar w/r to his No. & Date cited above.
2. The District Accounts Officer, Tank.
3. The Sub-Divisional Education Officer (Male) Tank.
4. Office File.


District Education Officer
(Male) Tank 04/4/18

ARRIVAL REPORT

15

To

The District Education Officer
(Male) Tank

In Pursuance to Office Order issued vide Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar Endst: No 3562-66 Dated Peshawar the 28/09/2018 to withdrawn
the Notification Order issued by the Directorate vide Endstt; No. 166-70 Dated 01/08/2018.

I, Mr. Iran Gul ADEO (P&D) o/o the DEO (M) Tank, do hereby submit my arrival report
today on 01/10/2018 (Forenoon) for further adjustment please.

DA ADEOs

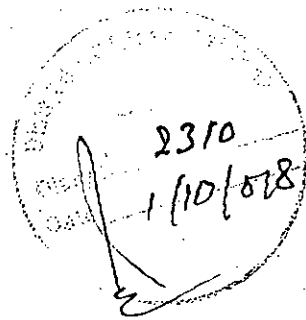
Dist cep
01/10/18

Iran Gul
(Mr. Iran Gul)
ADEO P&D
O/O DEO-Male Tank

Accepted

Signature
4/10/2018

Dist. Education Officer
E & SE, Peshawar Tank



16

CERTIFICATE OF TRANSFER OF CHARGE

- (1) Certified that we have on the 01/10/2018 (Forenoon) of this day respectively made over and received the Charge of the post of ADEO P&D (Male) at Office of the DEO-Male Tank vide Director Elementary & Secondary Education Department Peshawar Endstt: Order No. 3562-66/No. 436/Vol-06/ADEO (Male) Transfers Dated Peshawar the 28/09/2018.
- (2) Particular cash and important secret and confidential documents handed over are noted on the reverse

Signature of relieved

Government Servant: _____

Designation: _____

Station: - DEO-M TANK

Dated: 01-10-2018 (FN)

Signature of relieving
Government Servant:


Mr. Iran Gul

Designation:

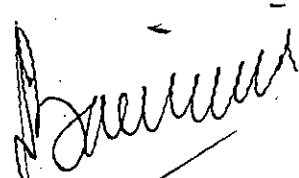
ADEO (P&D) Male Tank

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TANK

Endst: No. 9184-87 / dated Tank the 05 /10/2018

Copy Forwarded to the:

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Dy; Director (Estab) Elementary & Secondary Education Khybyer Pakthunkhwa Peshawar w/r to above.
3. District Accounts Officer Tank.
4. Officer Concerned.


District Education Officer
(Male) Tank

واجب التعلیم صائب ڈائریکٹر ایف ایس ای (17) ضلع چغتو تحصیل لہستان اور
 چغلیان بہ شہادت مہارت ریکارڈ PTD میں حوالے نہ کرنا (بہ ضلع ٹانک) برائے اساتذہ صائب ڈائریکٹر ایف ایس ای

منیاب مال!
 1- گزشتہ آئی جاتی ہے کہ سائل امرال علی ولد لغیر خان کا S/S کو پبلک سروس کمیشن کے ذریعہ آرڈر آف سروس
 اور 7/5/18 سے پبلک سروس کمیشن (میں) ٹانک میں اپنی ذمہ داریاں ادا کر رہا ہے۔ ریسکریٹ 2 جسٹس ایف ایس ای
 کا ADEO، PTD کے پوسٹ پر S/S/11 سے اپنی تک قیامت سال گزارے۔ ہم دونوں پبلک سروس کمیشن کے
 تعلق رکھتے ہیں۔ اب صائب ڈائریکٹر ایف ایس ای PTD اور ADEO کے درمیان (میں) PTD کو کو سکریٹری ایف ایس ای (بہ ضلع لہستان) سے
 ایجوکیشن نے آرڈر دیا *dated 20/10/2018* The Peshawar, May 1st 2018 *CPD/PO/EFSE/1-2/val* کے مطابق ڈائریکٹر ایف ایس ای
 ضلع چغتو تحصیل لہستان کو ٹرانسفر کرنے کے احکامات صادر کر کے (آرڈر ایف ایس ای) صائب ڈائریکٹر ایف ایس ای نے آرڈر ایف
 ایف ایس ای کے ذریعہ *dated 28/5/2018* Peshawar *Transfer dated 28/5/2018* (ADEO) *Transferred to PTD* *dated 28/5/2018* کے ذریعہ
 ADEO، PTD کے ذریعہ آرڈر جاری کر کے عدالت کو ڈسٹرکٹ ایجوکیشن آفیسر (میں) ٹانک کو مزید اپنا حوالہ
 کے احکامات صادر کر کے (کاپی ایف ایس ای) (DEO) کے پوسٹ پر عمل کر کے آئی سی سی کے مطابق
 DEO (میں) کے پوسٹ پر چھو امرال علی پبلک سروس کمیشن کے آرڈر ایف ایس ای *dated 28/5/2018* *Transfer (m)* کے مطابق حال
 میں جو سوائے ٹرانسفر کے احکامات جاری کر کے
 (کاپی ایف ایس ای) کے احکامات جاری کر کے کہ ادارے آئی سی سی نے ADEO کے (P.D کا نام) ریکارڈ والے کر کے کا
 شروع کیا۔ قیامت نے 28/5/2018 کو صائب ڈائریکٹر ایف ایس ای کے آئی سی سی کی رپورٹ پیش کر کے صائب ڈائریکٹر ایف ایس ای
 قبول کیا۔ اور سابقہ حال (پورب) سے چھو کر کے (ایف ایس ای) قیامت سے آئی سی سی کے مطابق حال میں جاری ہے
 اور ریکارڈ والے (ایف ایس ای) سے چھو کر کے (ایف ایس ای) اور کہہ کہ یہ سب کچھ سچ ہے۔ اس کے مطابق
 DEO صائب ڈائریکٹر ایف ایس ای کے مطابق نہیں ہوئی۔ اس کے بعد صائب ڈائریکٹر ایف ایس ای نے ریکارڈ والے کر کے
 کا تحریری دروازہ لیا *dated 18/5/2018* (ایف ایس ای) صائب ڈائریکٹر ایف ایس ای کے چھو کر کے جاری ہے۔
 اور سابقہ حال میں ADEO میں PTD کے آرڈر ایف ایس ای کے مطابق حال میں ہے۔ اور اس نے قیامت کے مطابق حال میں ہے۔ اس کے
 مطابق حال میں PTD کے آرڈر ایف ایس ای کے مطابق حال میں ہے۔ اس کے مطابق حال میں ہے۔ اس کے مطابق حال میں ہے۔
dated 28-5-2018 *Transfer, Tank* *dated 28-5-2018* کے مطابق حال میں ہے۔ اس کے مطابق حال میں ہے۔ اس کے مطابق حال میں ہے۔
 مذکورہ سابقہ حال میں ADEO میں نے حکام کے پوسٹ پر سات سال کا سرفہ گزارا ہے۔ بعد ازاں ہی روز سے قیامت دروازہ
 میں کے مطابق حال میں ریکارڈ لینے کے لیے جاری ہیں۔ قیامت وہ ضروری ریکارڈ لینے سے انکار ہے۔ قیامت میں
 PTD کے اشتہاری فروری اور/تاک ڈیلے ہو رہے ہیں۔ اور جب تک *Strickland* سے رکاؤٹ بن رہی ہے
 اس کا اشتہار ہے۔ کہ سابقہ حال میں ADEO میں PTD کو ریکارڈ جاری کر کے ہے۔ ہم (نام) ریکارڈ PTD بروقت
 مہارت حوالے کر کے۔ تاکہ PTD سے متعلق ضروری امور بروقت مکمل ہو سکے۔ کیونکہ مزید تاخیر سے
 مہارت سے مسائل پیدا ہوں گے۔ صفا ذمہ دار ہیں وہ ہوں گے۔ امید ہے۔ مہارت اشتہار پر عمل درآمد ہو
 فرمائے۔ سائل بہت مشکور و ممنون ہوتا۔

صرف 11-05-2018

امرا ل علی
 ADEO میں PTD منیاب مال
 CALL NO: 12201-1929401-9
 Mobile NO: 0313-9992522

- Copy for information to the:
- ① District Education Officer (m) Tank.
 - ② Deputy Commissioner District Tank.
 - ③ Special Secretary EFSE, KPR Peshawar.
 - ④ PS to Secretary EFSE, KPR, Peshawar.

کھنڈہ چٹان ڈسٹرکٹ ایجوکیشن آفیسر (س) ضلع ٹانک

عنوان :- سابقہ ADEO (س) PFD کارپورٹ جوائے ٹرنک کا مشابہت
H ضلع عالی!

کمزور میں کھنڈہ چٹان ہے۔ کہ اس کی تاریخ 28/5/18 کو PFD کی خالی پوسٹ پر (ضلع عالی) ہے۔ اور سابقہ ADEO (س) PFD کو ضلع سیکرٹری ایجوکیشن نے 10/5/18 کو ضلع ڈائریکٹر ایجوکیشن کو ٹرانسفر کرنے کے بیانات جاری کیے۔ (س) ایچ اور دروازہ پبلک سے داخل ٹرنک ہے۔

غیر - ڈائریکٹر ایجوکیشن نے تاریخ 25/5/18 کو ٹرانسفر کرنے کے افعامات جاری کر کے ضلع ڈسٹرکٹ ایجوکیشن ٹانک سے ڈسپوزل پر فریڈ کھنڈہ چٹان سے لے کر صادر کر کے۔ (س) ایچ اور دروازہ پبلک سے داخل شدہ ہے۔
ضلع ڈسٹرکٹ ایجوکیشن آفیسر (س) نے تاریخ 28/5/18 کو سابقہ ADEO (س) ایچ اور دروازہ پبلک سے داخل شدہ ہے۔
میں کیفیت ADEO آرڈر جاری کر کے۔ (س) ایچ اور دروازہ پبلک سے داخل شدہ ہے۔
ضلع عالی آفیسر نے 30/5/18 کو Annual کیا۔ جو تم ہے۔ ڈسٹرکٹ ایجوکیشن آفیسر ٹانک نے قبول کر کے اور 4/6/18 کو یکطرفہ جاری کر کے۔ چونکہ مذکورہ ADEO (س) ایچ اور دروازہ پبلک سے داخل شدہ ہے۔
ضلع عالی! چونکہ ایک مہینہ سے زیادہ کا مہرہ گزر چکا ہے۔ لیکن PFD کارپورٹ ڈائریکٹر ایجوکیشن کے لئے نہیں لگا گیا۔ اور روز جتنا قسم کے بیان بنائے ہیں۔ اور اس دوران آگے بڑھنے سے مختلف قسم کے لین دین / کٹ / پبل / گرانٹ منتقلی / پبل / ٹرنک اور دیگر پوزیشن سے بلز مابین اور لین دین کرتے ہیں۔ جس سے ہر قسم کے ریکارڈ میں بہت زیادہ مشکلات کا سامنا ہے۔ اور مذکورہ قلموں میں رقم غیر ضروری طور پر خرچ کر کے جا رہے ہیں۔ جس کے بعد ضلع ڈسٹرکٹ ایجوکیشن سے دوسرا یہ کہ ڈسٹرکٹ ایجوکیشن سے کٹ / پبل / گرانٹ سے متعلق منتقلی (کاؤنٹ اور سٹیٹمنٹ پر اعتراضات ہوتے ہیں۔ جو کہ ہمیں تک بھیج کر نہیں کر کے ہیں۔
لہذا استدعا ہے کہ مذکورہ ریکارڈ PFD (س) ایچ سے زیادہ مہرہ گزرنے کے باوجود جوائے ٹرنک کا ہے۔ جس سے مزید پیچیدگیاں پیدا ہو سکتی ہیں۔ لہذا کارپورٹ جوائے ٹرنک کے افعامات صادر کر کے جائیں۔ اور افعام بالآخر اس سٹیٹمنٹ اور غیر قانونی عمل سے اٹھا کر لے جائے۔ اور جو سے سرکل کارپورٹ جوائے ٹرنک کے افعامات بھی صادر کر کے جائیں۔ مزید یہ کہ مذکورہ ADEO (س) PFD کے لین دین سے روکا جائے۔ مسائل دھما کو ہو جائے۔

25/8/18 صفحہ

ایران میں ADEO (س) PFD ڈسٹرکٹ ٹانک

- 1) ضلع عالی کے لئے اطلاع :-
- 2) ضلع عالی ڈسٹرکٹ ایجوکیشن آفیسر (س) ایچ اور دروازہ پبلک سے داخل شدہ ہے۔
- 3) ضلع عالی ایجوکیشن سیکرٹری (س) ایچ اور دروازہ پبلک سے داخل شدہ ہے۔
- 4) ضلع عالی سیکرٹری (س) ایچ اور دروازہ پبلک سے داخل شدہ ہے۔

ایران میں ADEO (س) PFD ڈسٹرکٹ ٹانک

(A)

19/10

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar
No: SO(Comp.)E&SED/KPK/1-7/2018/ Iran Gul/SS-493

Phone No. 091-9223544
Dated June 25th 2018

The Director,
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.

Subject:- **APPLICATION/COMPLAINT.**

I am directed to refer to the subject noted above and to enclose herewith original application/complaint received from Mr. Iran Gul ADEO (Male) PBO District Tank addressed to the Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar for necessary action as per rules/policy.

Encl: As Above:



(ABDUL SABOOR KHAN)
SECTION OFFICER (COMPLAINT)

Encl. of even number & date:

The above is forwarded to the PA to Deputy Secretary (A/B), E&SE, Department
USM/BV/BF

SECTION OFFICER (COMPLAINT)

RECEIVED
By No. 270
Date 27-1-18



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

Phone: 091-9225336, E-mail: complaintcellese@gmail.com

No. 1954 /File: Tank/28-6/Complaint
Dated Peshawar the 3-7-18

21

J

AD ETC
8/7/18

To
The District Education Officer
(M), Tank.

Subject: - APPLICATION/COMPLAINT.

I am directed to refer to the subject noted above and to enclose herewith a letter received from Section Officer (Complaint), Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar vide No. SO(Comp)E&SED/KPR/11-2018/Iran Gul/SS-493 dated 25-06-2018 on the subject cited above.

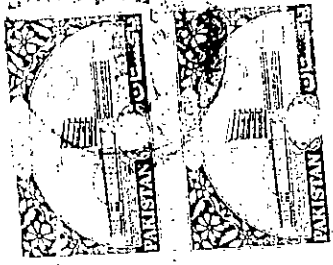
You are therefore directed to take necessary action in the matter in accordance with the rules & policy and submit detail report within a week of the receipt of this letter to the Director, Peshawar. Enclose as Above.

(Hamood-ur-Rahman)
Assistant Director (Complaint)
Directorate of E&SE KPR

Enclst No. _____

Copy forwarded to the: -

1. Section Officer (Complaint) Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar
2. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.



Assistant Director (Complaint)
Directorate of E&SE KPR

1738
9/7/18

DE, (M) Tank



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TANK

No. 3331
Dated Tank the 13/17 /2018

To,

Habib ullah
ASDEO City Circle Tank

K

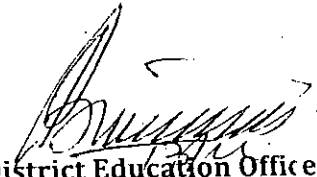
SUBJECT: APPLICATION/COMPLAINT

MEMO:

Reference Assistant director (Complaint) Directorate of E&SE Peshawar, letter no.1954/file:Tank/28-6/complaintCell/2018 Dated Peshawar the 03/07/2018 and Section Officer (Complaint) NoSO(Comp) E&SE/KPK/1-7/2018/Iran Gul/SS-493 Dated, June 25th, 2018 on the subject cited above.

Reference above complaint submitted by Iran Gul ADEO P&D Tank that you have not still handed over complete record of P&D to Iran Gul ADEO P&D and some is still lying with you and according to him, he is facing issues and problems in this regard.

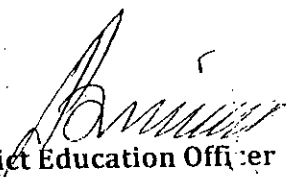
You are hereby strictly directed to hand over complete record of P&D to Iran Gul ADEO without any delay and immediately.


District Education Officer
(Male) Tank

Endst. No. 3332-39 /DEO-M

Copy to:

1. Assistant Director (Complaint) Directorate of E&SE KPK, Peshawar
2. Section officer (Complaint) E&SE Department KPK Peshawar
3. Iran Gul ADEO P&D Male Tank


District Education Officer
(Male) Tank

23

L

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad the 31st July, 2018

No. F.2 (3)/2018-Cord. WHEREAS the Election Commission imposed ban on all type of recruitments and development schemes approved w.e.f 1st April, 2018, vide Notification No. F. 2(3)/ 2018-Cord dated 11th April 2018;

AND WHEREAS a notification was issued on 4th June, 2018 whereby it was directed that transfers/ postings shall be subject to prior approval of the Election Commission and postings/ transfers made between 1st June and 4th June, 2018 were cancelled;

AND WHEREAS funds of all local government institutions were frozen vide Notification vide No. F. 2(3)/ 2018-Cord dated 8th June, 2018;

AND WHEREAS the Notification dated 11th April 2018 regarding ban on recruitments and development schemes was partially modified and ban on recruitment was withdrawn with a proviso that Caretaker Governments shall not make promotions, major appointments of public officials but may make acting or short term appointments in public interest;

Now when the General Elections have been held in the Country and new governments are going to be formed soon, therefore, above mentioned notifications are hereby withdrawn with immediate effect. The Caretaker Governments shall follow restrictions mentioned in Section 230 (2) (e) (f) of Elections Act 2017 for their remaining period in office.

By order of the Election Commission of Pakistan,


(Waqas Ahmed Malik)
Deputy Director(Cord)

24
M

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

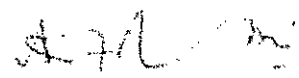
Islamabad the 2nd August, 2018

No. F.6 (17)/2018-Elec-I: WHEREAS a notification was issued on 4th June, 2018 whereby it was directed that transfers/ postings shall be subject to prior approval of the Election Commission and postings/ transfers made between 1st June and 4th June, 2018 were cancelled;

AND WHEREAS the Notification dated 11th April 2018 regarding ban on recruitments and development schemes was partially modified and ban on recruitment was withdrawn with a provision that Caretaker Governments shall not make promotions, major appointments of public officials but may make acting or short term appointments in public interest;

Now when the General Elections have already been over in the Country and new governments are going to be formed soon, now the Caretaker Governments may make routine transfers/postings at their own.

By order of the Election Commission of Pakistan,


(Atif Rahim) 2.8.18
Deputy Director (Elections)

To

The Manager,
Printing Corporation of Pakistan Press,
Islamabad

[For publication in the Gazette of Pakistan,
Extraordinary (Part-III) of today's date.]

1- ...
 2- ...
 3- ...
 4- ...
 5- ...
 6- ...
 7- ...
 8- ...
 9- ...

...
 ...
 ...

N
 25

نے آرڈر 70-66 تاریخ 18/11/18 کو versus آرڈر جاری کر کے۔ اور مذکورہ بالا تمام شیڈ
 غلط فیڈ بیلنگ رپورٹ اسات سال کا عمر صد مذکورہ پوسٹ پر گزارنے، الٹیشن میں اور نگران
 میں تبدیلی نہ کرنے کے باوجود فیڈ بیلنگ تبدیلیوں کے دوران اس پوسٹ پر سیرے قیام کرنے۔ جو کہ تمام شیڈ
 میں اور الٹیشن کی بنا پر الٹیشن میں واحد تبدیلی ہے۔ اور سیرے ساتھ زیادتی دیا انفانٹ کے ساتھ
 ہے۔ اور آرڈر پر ڈیٹا انٹری کے علاوہ کسی اور کے دستیاب ہیں۔ اس کے علاوہ دوسرے میں سے
 آرڈر میں۔ جس پر ڈیٹا انٹری کے دستیاب نہیں ہے۔ آرڈر کا الٹیشن (22) لفظ ہے۔

10۔ یہ تمام آرڈرز کے علاوہ ان کے جو مہینوں میں سیرے باہج دفعہ آرڈر ہیں۔ اور دوسرے ADEOS کے
 کے درجنوں آرڈر عمر صد جو مہینوں میں ہوتے۔ اور ان تمام آرڈرز میں پرویز نامی شخصوں کو ہم اپنے
 آپ کو NAB کا بندہ ظاہر کرتا ہے۔ لیکن وہ NAB کا ایکٹو نہیں ہے۔ وہ ملوث ہے۔ جو کہ
 خود سمیت تمام ADEOS کو آٹو اربان بنانے اور ڈیٹا انٹری کے مطابق کرتے ہیں۔ اور جو
 دفع سے اقرار کرتا ہے۔ تو فوراً ڈیٹا انٹری سے اس کے آرڈر جاری کر دیتا ہے۔ جس میں
 ڈیٹا انٹری کے چند ایکٹو اس کے ساتھ ملوث ہیں۔ جس نے اپنے بجائے عمل کو سیرے آ کے ADEOS
 فیصلہ (24) کے پوسٹ پر الٹیشن کیا۔ دوسرا بجائے محمد الوب PBT کو جس کا الٹیشن میں لکھا ہے
 بورڈ پر الٹیشن کرتے ڈیٹا انٹری کے PBT کے پوسٹ پر الٹیشن کی۔ جو سائٹس شیڈز کو
 ADEOS کے پوسٹ پر غلط معلومات دے کر تبدیل کر کے۔ حالانکہ 2009 میں ایک نوٹیفکیشن کے مطابق
 سائٹس شیڈز پر ADEOS کے پوسٹ پر الٹیشن ہے۔ اور 2013 کے نوٹیفکیشن کے مطابق
 سیرا ایم بندوں کو ایم پوسٹوں سے ہٹانے کے لیے حکم موجود ہے۔ حالانکہ جس نے اپنے بجائے
 کو PBT (ADEOS) ایم پوسٹ پر الٹیشن کیا۔ اس کے علاوہ کچھ کانسٹریکٹس اور Suppl کے تبادلے ہی
 بھی کر کے۔ مناج لائن میں بیت جڑا حال ہے۔ یہاں NAB اور (سیرا ایم بالہ کا نام) استعمال کر کے
 نئے الٹیشن کیاں و تبادلے اور دوسرے سیرا ایم کانسٹریکٹس کام کرواتے ہیں۔ جو کہ تمام اقرار ڈیٹا پر موجود ہیں۔
 اس کے علاوہ شیڈز دیکھ کر ان کے ساتھ الٹیشن سے تبدیل کرنے کی دفع کیاں دیتا ہے۔ حالانکہ ADEOS
 کے پوسٹوں پر صرف پنچنگ کے تین بندے بیٹھے ہیں۔ اور صرف تین تین دنوں کے کانسٹریکٹس
 والے الٹیشن ہوتا ہوں۔ پرویز کا بجائے عمل کو سیرے کا آرڈر کال شیڈز (23) غیر ایم افراد کے الٹیشن 'weeding'
 نوٹیفکیشن کے کال شیڈز (24) لفظ ہے۔

11۔ جو مہینوں میں جتنے ڈیٹا انٹری مناج لائن میں ہوتے۔ اتنے ڈیٹا انٹری سارے الٹیشن میں نہیں ہوتے۔ ان ڈیٹا انٹری
 کا مختصر خلاصہ جو کہ پرویز نامی شخص جو کہ لائن کارڈنگ والا ہے نے مر دیکھے ہیں۔ اور جس نے تمام
 آفس کو بیت زیادہ پر الٹیشن انڈر پریشر اور روزہ کی دفتر اور کو بیت زیادہ متاثر کیا۔ اور
 بے جا کارڈنگ میں مداخلت کر رہے ہیں۔ اندر ہم ذیل ہیں۔

- (A) - آرڈر 10-4907 تاریخ 27/11/17 پنچنگ کے پوسٹ ADEOS اور آ SSI سائٹس کا تبادلہ شیڈز (25) لفظ ہے۔
- (B) - کو ریجنٹم آرڈر 11/11/17 شیڈز (26) لفظ ہے۔
- (C) - سائٹس پنچنگ کے پوسٹ کے علاوہ محمود شان SSI سائٹس آرڈر 27/12/17 شیڈز (27) لفظ ہے۔
- (D) - سائٹس کا 27/12/17 کا کنفیڈنٹ آرڈر 8/1/18 شیڈز (28) لفظ ہے۔
- (E) - دوسرے سائٹس اور محمد الحجاز ADEOS ڈیٹا انٹری آرڈر 12/1/18 شیڈز (29) لفظ ہے۔
- (F) - SSI کے الٹیشن ADEOS کو مل ہزار۔ اور خالد محمود شاہ ڈیٹا انٹری آرڈر 10-2907 تاریخ 10/1/18 شیڈز (30) لفظ ہے۔

(30)

م

- 1- عملت اللہ احمد خالد محمود شاہ کنستبلشن آرڈر 25/11/18 لف نمبر (31)
- 2- عملت اللہ احمد خالد محمود شاہ بجائ آرڈر 93-2091 بتاریخ 26/11/18 لف نمبر (32)
- 3- عملت اللہ محمود انصاف محمد اعجاز اور خالد آرڈر 9-206 بتاریخ 13/11/18 لف نمبر (33)
- 4- عملت اللہ محمد انصاف محمد اعجاز آرڈر 70-1968 بتاریخ 13/2/18 جسکی وجہ سے لڈ اعجاز ADEO پنشنڈ لڈ آرڈر سنس سے ٹھک اور فائید سیکرٹری کو بلا گیا۔ لف نمبر (34)
- 5- عمل نواز ADEO لڈ بندا من آڈ آرڈر 70-568 بتاریخ 2/2/18 لف نمبر (35)
- 6- محمد بلال آڈ آرڈر 26-5023 بتاریخ 19/12/17 لف نمبر (36)
- 7- خان زہان آڈ آرڈر کنکشن بتاریخ 16/3/18 لف نمبر (37)
- 8- علی اکبر آڈ آرڈر خان زہان آڈ آرڈر بتاریخ 21/3/18 لف نمبر (38)
- 9- محمد فاروق اور نبی بخش آڈ آرڈر 46-5342 بتاریخ 25/5/18 لف نمبر (39)
- 10- لیدز ایئر زور ایبل کی جاتی ہے۔ کہ سائل اور جسٹس کراس آرڈر 70-166 بتاریخ 11/8/18 لف نمبر (40)

ADEI
 کا
 اور
 آرڈر
 کے
 بارے
 میں
 براہ
 کرم
 توجہ
 فرمائیں

سائل ایئر ایبل ولد فیضان محمد ASDEQ (3) سیکرٹری ٹیک سٹی سے درخواست ہے کہ
 CNIC No: 12201-1929401-9.
 Mob: No: 0313-9992522.
 کا پی ایچ ایٹھ:

- 1- جناب ڈی ایچ ایچ صاحب ٹانک
- 2- جناب ADEO (س) صاحب ٹانک
- 3- جناب ڈائریکٹر E43E فیبر خنوخواہ پشاور
- 4- جناب ایس ایچ بی بی E43B فیبر خنوخواہ پشاور
- 5- جناب ڈی ایچ ایچ E43E فیبر خنوخواہ پشاور
- 6- جناب ڈی ایچ ایچ ایس ایس ایس فیبر خنوخواہ پشاور
- 7- جناب ایس ایس ایس NAB پشاور
- 8- جناب ڈی ایچ ایچ جنرل NAB فیبر خنوخواہ پشاور
- 9- جناب ڈی ایچ ایچ جنرل FIA فیبر خنوخواہ پشاور
- 10- جناب ڈی ایچ ایچ ایس ایس ایس فیبر خنوخواہ پشاور

سائل ایئر ایبل
 ASDEQ سیکرٹری ٹیک سٹی
 پشاور

28
0

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE), TANK**

NO. 929.3
Dated Tank the 10/10/2018

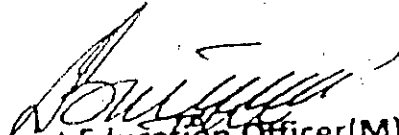
To: The Mr. Habib Ullah ADEO (P&D)
o/o District Education officer (M) Tank.

Subject: HANDING/TAKING OVER
Memo:

Reference order of Director E&SE Khyber Pakhtunkhwa Peshawar Endst: No 3560-
66/No.436/Vol-6/ADEO (Male) Transfers dated Peshawar 28/09/2018

You are directed to hand over the charge and relevant record of ADEO P&D to
Mr. Iran Gul ADEO P&D immediately.

(Order copy is attached)


District Education Officer(M)
Tank.

P

ضلع عالی:

میں زاریں حضور انور ہیں۔ ہم سبھی کی 28/10 کو ADEO، P&D کے قریب پورے ڈسٹرکٹ میں
 تھی۔ جو 1/8/18 کو ڈسٹرکٹ 67-166 کے مطابق سابق ADEO کی قید میں تھی۔ جو کہ پٹنران
 حکومت کے مطابق ہے۔ اب وہی آرڈر 28/9/18 کو آرڈر 28-3562 کے مطابق
 withdraw ہوئے۔ سابقہ 1/10/18 کو Arrival ہے۔ جو کہ سب سے پہلے نے قبول کیا
 سابقہ ADEO، P&D نے خارج لین دین سے انکار کیا۔ تو سب سے پہلے نے پکڑنے
 کی 9 بجے رہے وہاں۔ لیکن اب 14 دن گذر گئے۔ لیکن P&D کا ریکارڈ اور حوالگی
 سے انکار ہے۔ جس سے قح P&D کا ورک بڑھتا ہے۔ قضا میں ہو رہے ہے۔ اور
 جس سے ارا تازہ کو بہت زیادہ مشکلات اور SPMI وزٹ سیکرٹری کے
 قضا میں ہو رہے ہیں۔ جس کا پھر سے ذمہ دار نہیں ہو سکتا۔ وہ ڈیوڑھ کو ماننے
 اور ریکارڈ والے کرنے سے انکار ہے۔ اور ابھی تک P&D کے امور اور سیکرٹری کے
 دورے کر رہے ہیں۔ نیز یہ کہ تحریر کی قح کے بارے میں ریکارڈ اور حوالگی نہیں کرنا ہے
 لہذا استدعا ہے کہ تحریر کی قح پر مذکورہ ADEO اور آفسران بلا کو 26
 کو ملے۔ اور یہ بات خود یا کسی دوسرے قانونی ذریعے سے ریکارڈ میں لے کر
 کہہ جائے۔ تاکہ P&D اور سیکرٹری کی قح میں کارروائی ہو جائے۔ شروع ہو سکے۔ ورنہ
 جس طرحی دیکھیں گی صورت میں ذمہ دار نہیں ہو سکتا۔ سائل آئی ہے جو ان کا مسئلہ
 ہے۔

صفحہ 11/10/18

الغار

سائل عنبران محل ADEO، انڈیا ڈیویلمینٹ ضلع کا نام

- 1. ڈیویلمینٹ کے لئے
- 2. ڈیویلمینٹ کے لئے
- 3. ڈیویلمینٹ کے لئے
- 4. ڈیویلمینٹ کے لئے
- 5. ڈیویلمینٹ کے لئے



30
OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) TANK

No. 9450

Dated Tank the 19/10/2018

To

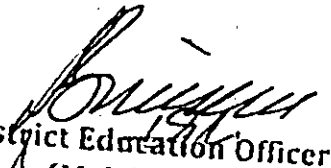
The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

SUBJECT: DENYING OF HANDING OVER CHARGE / RECORDS BY MR. HABIB ULLAH EX-
ADEO P&D TO MR. IRAN GUL ADEO P&D O/O THE DEO-MALE TANK

Memo:

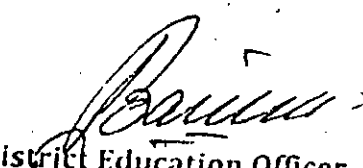
It is stated for your kind information that your good office has already issued order vide Endstt; No. 3562-66 Dated Peshawar the 28/09/2018 (order copy is attached). Now Mr. Habib ullah Ex. ADEO P&D is neither obeying your good order nor handing over the charge / record of P&D in-spite of several time verbal directions and written order vide letter No. 9293 Dated 10/10/2018 by the undersigned. (copy is attached) and still now the record has not been handed over to Mr. Iran Gul ADEO P&D and also Mr. Habib ullah has not taken the charge of ASDEO Circle Tank City. Due to which this Office is facing a lot of issues and hurdles for the smooth running of administration / official business.

Your good self is requested to initiate necessary action in this regards please.


District Education Officer
(Male) Tank

Endstt. No. 9451
Copy to the:

1. PS to Secretary E&SE Department Khyber Pakhtunkhwa Peshawar.


District Education Officer
(Male) Tank



R 31

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) TANK**



No. 06 / ADEO P&D Dated Tank the 02 / 07 / 2010

To

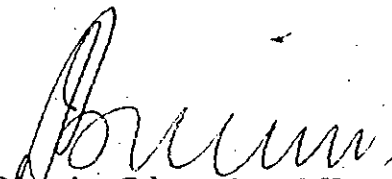
The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

SUBJECT: EFFICIENCY REPORT IN RESPECT OF MR. IRAN GUL ADEO

Memo:

It is stated for your kind information that Mr. Iran Gul ADEO P&D O/O DEO (M) Tank is one of the most Competent, Proficient, hardworking, regular and Professional Officer of this Office. He is performing his duties with entire devotion and has accomplished every official task with due diligent and satisfaction.

As a District Education Officer (M) Tank is much satisfactory from his work, performance, coordination especially in the accomplishing of tasks related to P&D Branch of this Office, his endless efforts and continuous struggle has enabled this Department / Office with top position throughout Khyber Pakhtunkhwa Province in the District Performance Evaluation System


District Education Officer
(Male) Tank
~~Dist. Education Officer~~
(Male) Tank

32

Certificate of Recognition

INTRA-DISTRICT PERFORMANCE SCORECARD (IDPS)

is hereby awarded for the Months of August to December 2018
to

IRAN GUL

ASDEO CIRCLE CITY

for performance in improving education service delivery.

Date: 4th of February, 2019

Signature

Shahrukh Ali Khan
Deputy Commissioner, District Tank



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**

32

053534

No. _____



33
**PAKISTAN
BUREAU OF STATISTICS**



Certificate of Appreciation

This certificate is awarded to

Mr/Ms. IRAN GUL Participated as C. SUPERVISOR

In gratitude for outstanding individual contribution and selfless team support in successful conduct of

6TH POPULATION & HOUSING CENSUS-2017

Pakistan Bureau of Statistics deeply appreciates your extraordinary efforts in accomplishing this challenging task, which will significantly enhance the capacity of Government to plan/program rationally and efficiently and help to design a better tomorrow.

Member (Censuses & Surveys)



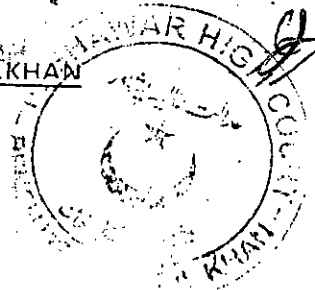
30th May, 2017

Chief Statistician/
Chief Census Commissioner

34

S

BEFORE THE PESHAWAR HIGH COURT, BENCH D.I. KHAN



Writ petition No. 326/2013

Habib Ullah Assistant District Officer (Male) Tank District Tank.

..... (Petitioner)

VERSUS

- 1) Govt of K.P.K Elementary & Secondary Education Department through its Secretary, Peshawar.
 - 2) Executive District Officer (Male) Elementary & Secondary Education, Tank.
 - 3) Director Elementary & Secondary Education K.P, Peshawar.
 - 4) Mr. Gul Nawaz SST Govt High School Hissan D.I.Khan (Teaching Cadre)
- (Respondents)

[Handwritten signatures and initials]

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Note; Addresses of the parties given above are sufficient for the purpose of service.

Respectfully Sheweth;

- 1) Brief facts of the case in hand are that the Govt. of NWFP now K.P formulate a policy which is more beneficial to the Department in

ATTESTEL

[Signature]
EXAMINOR

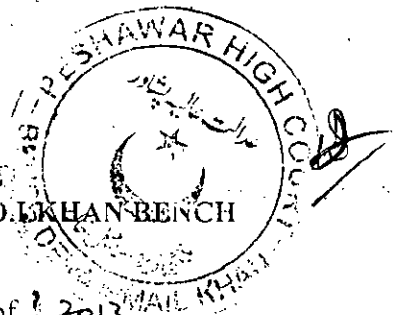
Peshawar High Court
D.I. Khan Bench

07/14

28

430

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D. KHAN BENCH
(Judicial Department)



35

WP No. 326-D of 2013

JUDGMENT

Date of hearing 12-6-2014

Appellant-petitioner (Habibullah) by

Mr. Anwar ul-Haq Advocate

Respondent (Govt. of K.P.K. Datta) by AAS

SYED AFSAR SHAH, J.- The learned counsel for the petitioner stated at the bar that the grievance of the petitioner has been redressed by the department and he has been left posted as ADEO(M) (P&D), Tank, thus the instant writ petition has served its purpose.

2. In view of the above, the instant writ petition is dismissed accordingly.

Announced
Dt: 12.6.2014.
Habib/*

JUDGE

JUDGE

ADIC. S. D. D. D. D.
D. KHAN BENCH

2/12
13/6

28
13

ATTESTED
[Signature]
EXAMINER
Peshawar High Court
D. Khan Bench
08/07/14

36

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA PESHAWAR

Notification

The following officers are hereby transferred on administration grounds and adjusted against the post recorded against their names in their own-pay & scale in the interest of public service with effect from the date of their taking over charge:-

S.No	Name & designation	Transferred/adjusted at	Remarks
1	Mr. Gul Nawaz SST GHS Hissan D.I.Khgn (Teaching cadre)	ADEO (M) (P&D) Tank	Vice S.No. 2
2	Mr. Habib Ullah C ADEO (M) (P&D) Tank	ADEO (M) (Estab:) Tank	Vice Sr: No.3
3	Mr. Abdus Salim ADEO (M) (Estab:) Tank (Teaching cadre)	SST GMS Kot Kat Tank	Against vacant post

- Note:- 1. Charge report should be submitted to all concern.
2. No. TA/DA and transfer grant are allowed

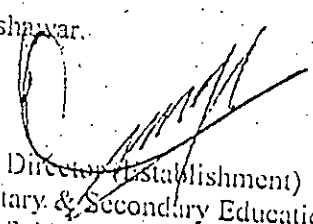
DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 1887-91
/F No.436/ADO(M)

Dated Pesh: the 19/6/2013

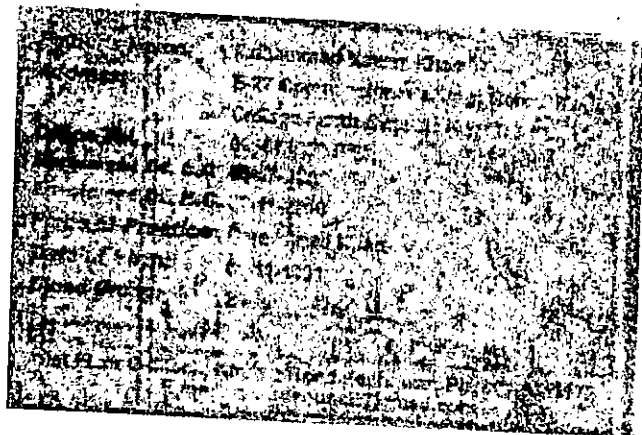
Copy forwarded for information & necessary action to the:-

1. DEO (M) Tank
2. District Accounts Officer Tank & D.I. Khan.
3. Headmaster concerned
4. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
5. Officers concerned.


Deputy Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

19/6/13

28
2



VAKALATNAMA

IN THE COURT OF K.P.K Service Tribunal Camp Court D.I.Khan

Habibullah VERSUS Govt. of KPK BR

Title Service appeal

I/we Goran Gul

The above named Respondent No 6herby appoint Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, in the above mentioned case to all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceeding.


To do all other acts and things, which may deemed necessary or advisable during the course of proceedings.

AND hereby agree:


- a. To ratify whatever advocates may do the proceedings.
- b. Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence from the court when it is called for hearing.
- c. That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains un-paid.
- d. That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read/explained to me/us which is fully understood by me/us.

Date: 27/2/2019


Signature of Executants (s)

Accepted by:


Gul Tiaz Khan Marwat
Advocate High Court D.I.Khan (KPK)
Cell No. 0300-9092488 / 0345-9853488

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT D.I.KHAN

Service Appeal No. 74 / 2019

Habib Ullah

Versus

Govt. of K.P.K etc

REPLY ON BEHALF OF RESPONDENTS NO.2, 4 & 5

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action and locus standi.
2. That the appellant is estopped to sue due to his own conduct.
3. That the appeal is not maintainable in its present form.
4. That the appeal in hand is a weak case and has no legal force.
5. That the appellant deliberately concealed the material fact from this honorable Tribunal.
6. That the appellant does not come to this Honorable Tribunal with clean hands.
7. That the appellant is not entitled for any relief from this learned Tribunal.

REPLY ON FACTS

1. That the Para No.1 needs no reply.
2. That the Para No.2 pertains to record. Hence no comments.

3. That the Para No.3 is incorrect and not admitted. The appellant was appointed as ADEO on 05/05/2011 and he has been working as ADEO (P&D) from 05/05/2011 to 10/05/2018 meaning thereby, he has worked as ADEO (P&D) for about 07 Years.

The ADEO (P&D) is a field duty i.e Inspection of under-construction schools of District, Inspect all Schools buildings and to submit proposal for repairs with estimated cost for special, major, minor and Petty repairs. It means that both ADEO (P&D) and ASDEO (Circle) are field duties. (Copy of ADEO (P&D) Job description is enclosed as **Annexure-"A"**)

4. That Para No.04 is correct to the extent that the Transfer Order of appellant was issued by Respondent No.4 in compliance with letter of complaint issued by the Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar Dated 10/05/2018. Wherein directions was given to the Respondent No.04 to transfer appellant as he has submitted wrong feasibility reports which hinder developmental works. (Copy of letter of Secretary E&SED is enclosed as **Annexure-"B"**)
5. That Para No.05 needs no reply.
6. That Para No.06 needs no reply.
7. That Para No.07 is incorrect and not admitted. It is not the choice and sweet will of the employee to be posted on a particular post but it is the prerogative of the Competent Authority to issue order of Posting / Transfer in the best interest of public service as provided under the section 10 of the KPK Civil Servants Act, 1973.
8. Para No.08 needs no reply.
9. Para No.09 is incorrect and not admitted. The alleged departmental appeal of appellant is not in accordance with law as the same has not been preferred through proper channel.
10. Para No.10 is incorrect and misconceived. The appellant has no cause of action and locus standi to file the appeal.

REPLY ON GROUNDS.

- i. That this Para is incorrect and not admitted. The appellant has no vested right to be posted on a particular post for life time.

ii. That this Para is incorrect and not admitted. It is the privilege of the Competent Authority to issue order of Posting / Transfer in the best interest of public service as provided under the provision of KPK Civil Servant Act.

iii. That this Para is incorrect and not admitted. The Post of ADEO (P&D) and ASDEO (Circle) both are field duties.

iv. That this Para needs no reply.

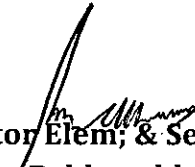
v. That this Para is incorrect and not admitted. The order of transfer and posting of appellant was made in compliance with the letter of complaint issued by Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa.

vi. That this Para needs no reply.

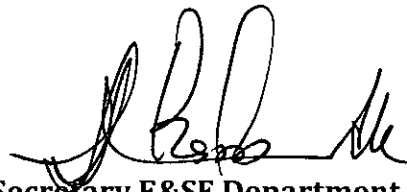
It is therefore, humbly requested that the appeal of the appellant may please be dismissed with costs.



**District Education Officer
(Male) Tank
Respondent No. 05**



**Director Elem; & Secy; Education
Khyber Pakhtunkhwa Peshawar
Respondent No. 04**



**Secretary E&SE Department
Khyber Pakhtunkhwa, Peshawar
(Respondent No.02)**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT D.I.KHAN

Misc. Application No. _____/2019

in

Service Appeal No. 74 / 2019

Habib Ullah

Versus


Govt. of K.P.K etc

REPLY ON BEHALF OF RESPONDENTS NO.2, 4 & 5 To THE APPLICATION FOR
SUSPENSION OF OPERATION OF IMPUGNED OFFICE ORDER

RESPECTFULLY SHEWETH:

1. That Para No.01 needs no reply.
2. That Para No.02 is incorrect. The balance of convenience is not in favour of appellant because the transfer of appellant was made in compliance with the letter of complaint issued by Respondent No.02.
3. That Para No.03 is incorrect and not admitted. There will be no irreparable loss to the appellant, if the order of the honorable Tribunal dated 22-01-2019 is to be cancelled.

It is therefore humbly prayed that the application of appellant for the suspension of operation of impugned office order may please be dismissed and the order dated 22-01-2019 of this honorable Tribunal may please be vacated.



District Education Officer
(Male) Tank
Respondent No. 05



Director Elem; & Secy; Education
Khyber Pakhtunkhwa Peshawar
Respondent No. 04

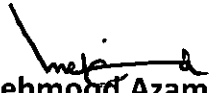


Secretary E&SE Department
Khyber Pakhtunkhwa, Peshawar
(Respondent No.02)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT D.I.KHAN**

AFFIDAVIT

I, Mehmood Azam ADEO (Litigation) Office of the DEO-Male Tank do hereby solemnly affirm and declare on oath that the above reply of Misc; Application No. ____/2019 are true and correct to the best of my knowledge and belief and nothing has been deliberately concealed from this Honorable Service Tribunal.


Mehmood Azam
ADEO Litigation
O/O DEO-Male Tank
CNIC : 12201-0313189-7

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) TANK**

AUTHORITY LETTER

Mr. Mehmood Azam ADEO Litigation office of the DEO (Male) Tank is hereby authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal Camp D.I.Khan in connection with Service Appeal No. 74 of 2019 Titled as "*Habib Ullah Vs Govt; of KPK*" on behalf of District Education Officer (M) Tank.



**District Education Officer
(Male) Tank
Respondent No. 05**

Annex - (A)

Job Descriptions: Assistant District Education Officer, Planning & Development

The Assistant District Education Officer Planning & Development in the district is under the direct supervision of the DDEO.

A. Planning and Development

Proposals for establishing new schools, upgrading schools, and additional facilities

- ✓ 1. Prepare and scrutinize proposals for the establishment of new schools received from SDEOs, request from communities/elected representatives and process on need basis as per criterion.
- ✓ 2. Visit sites to ensure that the proposal is according to the Government prescribed criteria.
3. Prepare consolidated list of schools proposed for up-grading to next level with all the relevant supporting information supplied by SDEOs/Principals/headmasters/headmistresses and submit the same to the DDEO for perusal and onward submission to DEO.
- ✓ 4. Prepare list of schools identified by PTCs/SDEOs/Principals/Headmasters/ Headmistress according to criteria set by the Government of Khyber Pakhtunkhwa and submit the same to the DDEO concerned for checking, signature and onward submission to the DEO for approval and countersignature.
- ✓ 5. If land is to be purchased, verify the proposed sites, prepare detail cost estimates, and submit the same to the DEOs along with copies of revenue documents received from principals/HM/SDEOs.
- ✓ 6. Ensure resolution of disputes pertaining to land for schools etc.

Proposals for repairs

1. Consolidate proposals for repairs received from the heads of the educational institutions with estimated cost for special, major, minor and petty repairs and submit to the DDEO.
- ✓ 2. Obtain detailed costs estimate from Communication and Works Department for submission to DEOs along with PC Is of the schemes.

PC I - IV for schemes

- ✓ 1. Prepare detailed feasibility reports (PC II) according to criteria and submit to the DDEO.
- ✓ 2. Prepare PC-I for new schemes with all other required documents and put up to DDEO.
- ✓ 3. Prepare PC-III on quarterly basis and submit to DDEO.
- ✓ 4. Process PC-IV and put up for checking and signature to the DEO after joint visits with the DDEO/SDEO and concerned authorities of Communications and Works Department subject to satisfactory completion of works in all respects.

Directives (President, PM, Governor, CM)

1. Consolidate directives received from different offices, check its feasibility, if feasible prepare DCEs and PC-I and submit to DEO in the light of rules and criteria.
2. Take prompt action on the disposal of cases and inform quarters concerned accordingly.

Annual Development Plan, DSC and DDAC meetings

- ✓ 1. Attend ADP meetings with the DEO.
2. Prepare working papers for the ADP review meetings.
3. Ensure implementation of action on decisions of ADP review meetings.

Assist and accompany the DEO for District Steering Committee (DSC) and District Development Advisory Committee (DDAC) meetings.

Development Budget

1. Prepare development budget for primary and secondary sub-sectors, and submit to DEO.
2. Submit progress reports on utilization/expenditure of development budget.

Preparation of long-term (five-year) plans

Make need assessment and propose schemes for inclusion in long term plans with cogent reasons for their feasibility and consolidate schemes proposed by SDEOs and other offices on a proper format and submit the same to the DEO for further process in the light of population (5-9) and (10-16).

✓ Inspection of construction and progress of work

- ✓ 1. Inspect progress of construction work at various stages and take remedial steps, if found substandard and submit report to the DEO/Executive Engineers concerned, give responses to all kind of relevant reports.
- ✓ 2. Report about the completed school buildings in the District and assist the DEO concerned in the process of taking over of the school buildings.

Rented Buildings for Schools

Process cases for acquiring buildings on rent for offices and establishing new schools and submit the same to the DDEO.

B. Court Cases

- ✓ 1. Prepare court cases related to P&D section.
- ✓ 2. Assist government pleader in the preparation of court cases.
- ✓ 3. Attend courts regularly and keep attendance record for P&D related cases.
- ✓ 4. Obtain necessary record about court cases and advise the DEO concerned about the court proceedings/cases.

C. Performance Evaluation Reports (PERs)

1. Conduct PERs of subordinate staff of the branch in the first week of January each year.
2. Submit the same to the DDEO for countersignature and further action in the second week of January.

D. Coordination/Liaison

1. Act as a Liaison Officer for Elementary Education Found (EEF) activities.
2. Act as a Liaison Officer for NGOs and CBOs activities in the district.

E. Any other duties assigned by the competent authority.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. UPO/PO/E&SE/1-2/100 (Vol-IV, 2016)
Dated Peshawar the May 10th, 2018

To ✓
The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar

Subject: TRANSFER OF ADEOS (P&D) AT THE OFFICES OF DEO (MALE) & DEO (FEMALE) TANK.

I am directed to refer to the subject cited above and to state that the ADEOS (P&D) in DEO (Male) & DEO (Female) offices Tank have been reported to submit wrong feasibility reports which hinders developmental work.

The Competent Authority has therefore desired that both the ADEOS(P&D) be transferred and their efficient substitutes be provided at the earliest.

Encl. As above

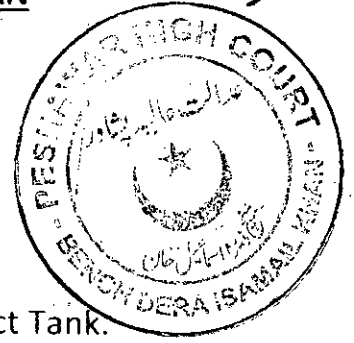
(ANNELA FATIM)
SECTION OFFICER (SCHOOLS MALE)

Encls: Even No. & Date:

Copy of the above is forwarded to the:-

- 1. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

BEFORE THE PESHAWAR HIGH COURT, BENCH D.I.KHANWrit petition No. 326/2013

Habib Ullah Assistant District Officer (Male) Tank District Tank.

..... (Petitioner)

VERSUS

- 1) Govt of K.P.K. Elementary & Secondary Education Department through its Secretary, Peshawar.
 - 2) Executive District Officer (Male) Elementary & Secondary Education, Tank.
 - 3) Director Elementary & Secondary Education K.P, Peshawar.
 - 4) Mr. Gul Nawaz SST Govt High School Hissan D.I.Khan (Teaching Cadre)
- (Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Note: Addresses of the parties given above are sufficient for the purpose of service.

Respectfully Sheweth;

- 1) Brief facts of the case in hand are that the Govt. of NWFP now K.P. formulate a policy which is more beneficial to the Department in

EXAMINOR
 Peshawar High Court
 D.I.Khan Bench

general and students in particular; and in this respect the Govt: of NWFP now K.P Elementary & Secondary Education Department issued a notification dated 04/05/2009 resultantly Management Cadre is separated from Teaching Cadre with a view to place each Cadre at proper place. This policy have been endorsed by this Honorable Court in various judgments, hence, thus get judicial approval and that too in writ jurisdiction.

(Copy of notification is hereby annexed as Annexure-A)

2) That the petitioner applied to the post of Assistant District Officer Education through proper channel and after qualifying the test and interview he was recommended by Public Service Commission for the post of A.D.O Education BPS-16.

3) That in the light of recommendation of Public Service Commission, the Petitioner was appointed as A.D.O Elementary & Secondary Education Department in Management / Executive Cadre, after adopting legal procedure and the petitioner was appointed in the Management / Executive Cadre as A.D.O (P&D) Tank vide order dated 26-05-2011.

(Copy of order is hereby annexed as Annexure-B)

4) That vide office order dated 19/06/2013 the petitioner was transferred from the post of A.D.O (P&D) Tank to A.D.O (Establishment) Tank and at his post respondent No.4 who belongs to teaching Cadre was transferred.

(Copy of transfer Order is hereby annexed as Annexure-C)

5) That the office of Director Elementary & Secondary Education K.P vide Order dated 25/06/2013 withdrawn the earlier order dated 19/06/2013.

(Copy of which is hereby annexed as Annexure-D)

1866
07/11/13
EXAMINOR
Peshawar High Court
D.I. Khan Bench

6) That on 27/06/2013 once again the respondent's No.3 vide office order dated 27/06/2013 withdrawn the earlier withdrawn order dated 25/06/2013 and resultantly the respondent No.4 who belongs to Teaching Cadre was transferred on the post of the petitioner which is purely an Executive / Management Cadre.

(Copy of Order is hereby annexed as Annexure-E)

7) That the transfer of respondent No.4 from Teaching Cadre to Management Cadre is violative of policy, rules and recent judgments of this Honorable Court passed in writ petitions No. 2510-P/2012, 60-P/2012, 1561-P/2009, 3519-P/2012 and that of writ petition No. 3663-P/2012 decided on 08-05-2013 and that of writ petition No. 194/2013.

(Unattested copy of writ petition No. 3663-P/2012 is hereby annexed as Annexure-F as well writ petition No.194/2013 alongwith Order is hereby annexed as Annexure- G & H)

8) That the petitioner has not only violated the Education Policy but also not treated the petitioner in accordance with law and for that very reasons, the petitioner, thus, invoke the jurisdiction of this Honorable Court as the respondent No. 3 has violated rather acted against the very spirit of Policy as well as Article 4 & 25 of the Constitution of Islamic Republic of Pakistan.

1866
07/1/13

For the above stated reasons and others to be stated at the time of arguments it is therefore, most humbly prayed that on acceptance of this writ petition, this Honorable Court may very graciously be pleased to issue an appropriate writ and to declare the impugned order issued by respondent No. 3 dated 27-06-2013

ATTESTED

13-5-13

Prothonary High Court
D.I. Khan

as illegal, arbitrary, fanciful, and against the very right of the petitioner.

PETITIONER

THROUGH COUNSEL

Dated: 04/07/2013

Anwarul Haq
4/07/2013
ANWAR UL HAQ

ADVOCATE HIGH COURT

866
5/1/13

INTERIM RELIEF:

That the petitioner has filed the above mentioned writ petition which is pending for adjudication before this Honorable Court, this Honorable Court has already issued a notice in an identical writ petition wherein the interim relief sought was graciously granted copy of which is already annexed. This Honorable Court may very graciously be pleased to suspend operation of office order dated 27-06-2013 till the disposal of instant writ petition.

PETITIONER

THROUGH COUNSEL

Dated: 04/07/2013

Anwarul Haq
4/07/2013
ANWAR UL HAQ

ADVOCATE HIGH COURT

1/1/13
1/1/13

ATTESTED
13-5-9
EXAMINOR
Peshawar High Court
D.I.K.

10

BEFORE THE PESHAWAR HIGH COURT BENCH D.I. KHAN

Writ petition No. _____/2013

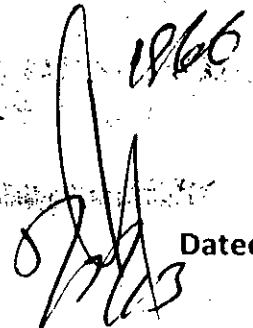
Habib Ullah VS Govt of K.P.K & Others

LIST OF BOOKS:

- 1) Constitution of Islamic Republic of Pakistan, 1973.


CERTIFICATE:

It is certified that no such like writ petition has been ever moved before any forum

1866


Dated: 04/07/2013


 PETITIONER
 THROUGH COUNSEL
 4/07/2013

ATTESTED

 EXAMINOR
 Peshawar High Court
 District Bench

BEFORE THE PESHAWAR HIGH COURT, BENCH D.I.KHAN

Writ petition No. _____/2013

Habib Ullah

VS

Govt of K.P.K & Others

AFFIDAVIT

I, Habib Ullah Son of Muhammad Aslam, Do hereby solemnly affirm and declare that all the contents of this writ petition are true and correct and to the best of my knowledge and belief and nothing has been concealed from this Honorable Court

1866
8/7/13

IDENTIFIED BY

[Signature]

4/07/2013

DEPONENT

[Signature]

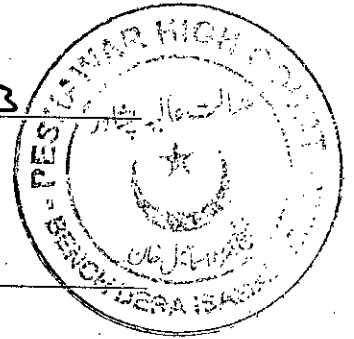
Habibullah
Muhammad Aslam
A.D.O. (Mehar Tank)
Anwar-ul-Haq Pasha
SP-3
1754/57-13

ATTESTED
13-5-13
EXAMINOR
Peshawar High Court
D.I.Khan Bench

18

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I. KHAN BENCH
(Judicial Department)

WP No. 326-D of 2013



JUDGMENT

Date of hearing 12-6-2014

Appellant-petitioner (Habibullah) by

Mr. Anwar-ud-Haq Advocate

Respondent (Govt. of KP, K. D. Khan) by AAS

SYED AFSAR SHAH, J.- The learned counsel for the petitioner stated at the bar that the grievance of the petitioner has been redressed by the department and he has been left posted as ADEO(M) (P&D), Tank, thus the instant writ petition has served its purpose.

2. In view of the above, the instant writ petition is dismissed accordingly.

Announced.
Dt: 12.6.2014.
Habib/*

[Signature]
JUDGE

[Signature]
JUDGE

2/12/14
13/6

[Signature]
Aick...
Date: 13-05-14

G.R.No. 2205
Application Received on 03-05-14
Copy Fee Deposited Rs. ---
No. of Pages 07
Copying Fee 04
Urgent Fee ---
Total Fee 28
Copy ready for delivery 13-05-14
Copy delivered on 16-05-14
Signature of Examiner [Signature]

Certified to be true Cop.
[Signature]
16-05-14
EXAMINOR
Peshawar High Court Bench D.I. Khan
Authorized Under Section 97 of
Qanoon-a-Shahadat-Act

[Signature]
16-05-14

SHAUKAT ULLAH KHAN

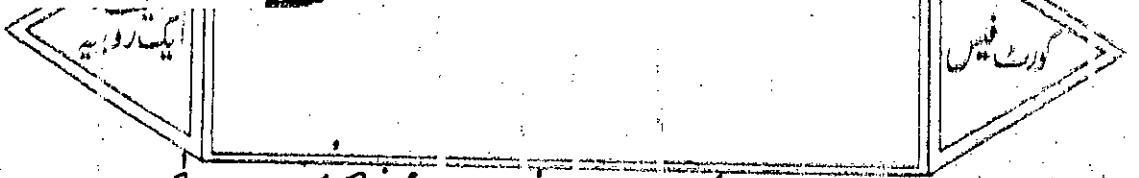
Advocate
bc-17-8: 26
Date of issue: December 2017
Valid up to: December 2020



HIGH COURT

وکالت نامہ

Acting Secretary
KP Bar Council



بعدالت جناب سروس ٹریڈینل حسیب بخشو خواہ راندر
 منجانب ریسائڈنٹ منیجر
 حسیب اللہ
 بنام حکومت حسیب بخشو خواہ دہریہ
 دعویٰ یا جرم سروس ڈسٹریکٹ 74/19
 تفصیل دعویٰ یا جرم

باعث تڑپراکتہ

مقدمہ مندرجہ بالا اٹھوان میں اپنی طرف واسطے پیروی اور جوابدہی کے پیش آیا تفسیر مقدمہ بمقام
شوکت الرحمن بسٹنی ریلو وکٹ ڈسٹریکٹ

کی حسیب زین سٹراٹیکاہ وکیل مقرر کیا ہے، کہ میں ہر قسم پر خود بنا، یہ اختیار خاص رو برو عدالت مانا جیسا کہ میں نے کہا ہے اور ہر وقت پکارت جائے مقدمہ وکیل صاحب
 موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر تیشی پر مظہر حاضر ہوا۔ اور مقدمہ میری غیر حاضری کے وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف
 اپنے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف مقدمہ مقام کچہری کے علاوہ کسی جگہ یا تہہ کی کے اوقات سے پہلے یا پیچھے یا زور تعطیل بیروی کرنے کے
 ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف مقدمہ مقام کچہری کے علاوہ کسی جگہ یا تہہ کی کے اوقات سے پہلے یا پیچھے یا زور تعطیل بیروی کرنے کے ذمہ دار نہ
 ہوں گے۔ اور مقدمہ صدر کچہری کے علاوہ اور جگہ سماعت ہونے پر زور تعطیل کچہری کے اوقات سے پہلے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ
 دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا فائدہ واپس کرنے کے مجھ موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخلہ صاحب موصوف میں کردہ
 ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست جرائے ذمہ دار نظر ثانی اپیل مگرانی دہریم درخواست پر دستخط و تصدیق کرنے کا
 بھی اختیار ہوگا۔ اور کسی حکم یا ذمہ کی ادا کرنے اور ہر قسم کا رو پیہ وصول کرنے اور نید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر بلائی یا راضی نامہ و فیصلہ بر
 حالت کرنے و اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیش مقدمہ مذکورہ بیرون۔ کچہری صدر بیروی مقدمہ مذکورہ نظر ثانی و اپیل و مگرانی و برآمدگی
 مقدمہ یا مستثنیٰ ذمہ کی طرف یا درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از صلہ اجراء ذمہ کی صاحب موصوف کو بشرط ادا سنگی علیحدہ مجتہد بیروی کا اختیار ہوگا
 اور تمام ساختہ پر داخلہ صاحب موصوف میں کردہ ذات خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے کسی تڑپ
 کی کو روائی یا بصورت درخواست نظر ثانی اپیل یا مگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا دستار کو اپنے بجائے یا اپنے ہمراہ مقرر کریں، اور ایسے مشیر قانون کو
 بھی بر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائے اور پڑے گا، وہ صاحب
 موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا کرے گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی
 صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

25/5/19

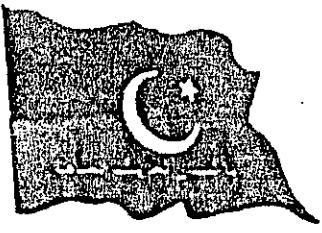
لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند رہے

مضمون وکالت نامہ میں لیا ہے۔ اور اجمعی طرح چھ لیا ہے اور منظور ہے۔

Accepted
Shankar
Advocate

ایمان گل ولد نصیر خان
 ریسائڈنٹ منیجر

cell # 0332 7234021



Pakistan Tehreek-e-Insaf

District Tank

DEO (M) Tank

Report plain

16/7/11

To,

The honourable adviser To CM
E & Sec Education KPK

Subject: Posting of Habibullah As ~~AO~~ ADO
EDO office Tank

Respected Sir,

I shall be grateful if you could
kindly post Habibullah as ADO P&D
~~AO~~ in DEO office Tank in relocation
of ban. (M)

Thanking you,

Director

~~of~~
Ban

With regards

H. Jamil
an

(MD ULLAH KHAN BANGASH)
Advisor to Chief Minister on
Elementary & Secondary Education
Khyber Pakhtunkhwa



Pakistan Tehreek-e-Insaf

District Tank

DED (M) Tank

Report please

16/7/11

To,

The Honourable adviser To CM
E & Sec Education KPK.

Subject: Posting of Habibullah As ADO
EDo office Tank.

Respected Sir,

I shall be grateful if you could
kindly post Habibullah as ADO P&D
in DEO office Tank in relocation
of ban. (M)

Thanking you,

Director

~~Secretary~~
Tank

With regards

18 Jamillal
an

QASIM KHAN BANGASH
Advisor to Chief Minister on
Elementary & Secondary Education
Khyber Pakhtunkhwa



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) TANK

No. 3365 /

Dated Tank the 3/7 /2019

To

The Director,
Elementary & Secondary Education
Khyber-Pakhtunkhwa, Peshawar

Subject: **NON-HANDING OVER OF COMPLETE P&D RECORD BY MR. HABIB ULLAH EX. ADEO P&D O/O DEO-MALE TANK**

Memo:

Reference your good directives. It is stated for your kind information that Mr. Habib Ullah has been transfer from the P&D Branch of this Office to ASDEO Circle Tank City and Mr. Iran Gul from ASDEO Circle Tank City to ADEO P&D o/o DEO-Male Tank vide your good Office Order No. 5065-71/F.No.436/Vol-2/ADEO (M) Transfer dated 17-12-2018.

Meanwhile, the above named official has challenged his transfer order in the Service Tribunal Camp Court DIKhan and subsequently stay order was granted to him by the Honorable Tribunal on 22-01-2019. The E&SE Department has submitted its reply and the stay order was vacated by the Honorable Tribunal on 23-04-2019.

Despite that the said Official has continuously and unlawfully occupied the P&D Branch of this Office and also parallel executing the developmental work, which creating continuous hardships and intense hurdles for the undersigned.

The said official was informed and directed severally to avoid such malpractice but he has completely ruled out the service rules. He is neither submitting the P&D record nor handing over the same to the present ADEO P&D. An application in this regard has already been furnished to this office and copy endorsed to your good office by the present ADEO P&D.

The Anti-Corruption Establishment Tank is continuously asking for the provision of requisite record of CG and developmental Schemes. Moreover the Directorate E&SE Peshawar is emailing Reminder-4 for the submission of Conditional Grant 2014-15, 2015-16 & 2017-18, but the undersigned is not in position to submit the same due to the non-serious nature of Mr. Habib Ullah Ex.ADEO P&D.

It is therefore, requested to please solve the problem on war footings and direct the official concerned to submit all P&D record to the present ADEO P&D, as the matter is of sensitized nature.

District Education Officer
(Male) Tank

Endst; No. 3366 /

Copy of the above is forwarded for information to the:-

1. Deputy Commissioner Tank, with request to please extend help / support in the retrieval of the P&D record of this office.

District Education Officer
(Male) Tank

Appeal for Restoration as ADEO P&D (Male) Distt: Tank : عنوان

جناب عالی!

سائل حسب ذیل عرض رساں ہے:

- 1 یہ کہ سائل بطور ADEO P&D (Male) ضلع ٹانک میں کام کر رہا تھا۔ سائل کا تعلق Management Cadre سے ہے۔
 - 2 یہ کہ سائل کو 10 مئی 2018ء بحوالہ آپ کے آفس کا نمبر CPO/PO/E&SE/1-2/Tank/Vol- IV/2016 مورخہ پشاور، 10 مئی 2018ء ایک لیٹر جاری ہوا جس میں ڈائریکٹر E&SE کو حکم جاری کیا گیا تھا کہ ADEO P&D (Male) کو تبدیل کر دیا جائے اور اس کی جگہ پر متبادل لایا جائے۔ (کاپی لف ہے)
 - 3 ڈائریکٹر E&SE پشاور نے جناب کے حکم کی تعمیل کرتے ہوئے سائل کو ADEO P&D (Male) ٹانک کی پوسٹ سے ہٹا کر DEO (Male) ٹانک کو ہدایات جاری کیں کہ سائل کو Management Cadre کی خالی پوسٹ پر ایڈجسٹ کیا جائے۔ (کاپی لف ہے)
 - 4 یہ کہ سائل کو اسی بنا پر تبدیل کیا گیا ہے کہ اس نے غلط فہمی رپورٹ Submit کی ہے۔
- سائل بحیثیت ADEO P&D (Male) دوبارہ بحالی کے لئے مندرجہ ذیل Justifications پیش کرتا ہے:
- 1 یہ کہ سائل نے بحیثیت ADEO P&D (Male) Tank جتنا بھی کام کیا ہے ہمیشہ میرٹ اور قواعد و ضوابط کو سامنے رکھ کر پایہ تکمیل تک پہنچایا ہے اور اس میں کسی قسم کی کوتاہی اور غفلت نہیں برتی ہے۔
 - 2 سائل کے Tenure میں جتنی CM Directives ترقیاتی مقصد کے لئے جاری ہوئے ہیں تمام میں میرٹ اور Need Base کو بنیاد بنا کر انتخاب کیا ہے اور اللہ کے فضل و کرم سے جتنی بھی Development Schemes جاری ہیں اور جو پایہ تکمیل تک پہنچی ہیں، ان کی SNE اور PC-IV کو پراسیس کر کے سکولوں کو فنکشنل کیا گیا ہے۔ اور پورے صوبے میں ضلع ٹانک ترقیاتی کاموں میں الف الاعلان کے سرورے کے مطابق ٹاپ پوزیشن پر آیا ہے۔ اور جس کا اعتراف DEO (Male) ضلع ٹانک نے ڈائریکٹر E&SE پشاور کو لیٹر کیا ہے۔ (کاپی لف ہے)۔
 - 3 کسی نے ذاتی عناد اور بدنیتی کو بنیاد بنا کر سائل کو بدنام کرنے اور پوسٹ سے ہٹانے کے لئے من گھڑت اور جھوٹ پر مبنی Complaint کی تھی۔
 - 4 یہ کہ سائل P&D کے معاملات پر مکمل مہارت اور عبور رکھتا ہے اور Budget Execution کا مشکل مرحلہ چل رہا ہے جو کہ سائل نہایت خوش اسلوبی اور احسن طریقے سے پایہ تکمیل تک پہنچانے کیلئے کوشاں ہے اور DDU پشاور کے ساتھ 24 گھنٹے پر آگرس Share کرتا ہے جو کہ سائل کے متبادل شخص کے لئے P&D کی پوسٹ چلانا اور Budget Execution کو پایہ تکمیل تک پہنچانا نہ صرف مشکل ہے بلکہ ناممکن ہے۔ اور Budget Execution بڑی طرح متاثر ہونے کا خدشہ ہے۔
 - 5 یہ کہ سائل ایک پاؤں سے Disable ہے اور اگر اس کو بطور ASDEO سرکل تعینات کیا جائے جس میں دور دراز سکولوں کی Visit & Monitoring ہوتی ہے، سائل کے لئے نہایت مشکل اور تکلیف دہ عمل ہوگا اور فرائض کو نبھالانے میں دقت محسوس کرے گا۔

(Special Person CNIC attached)

جناب عالی! مندرجہ بالا محتاجی کو مدنظر رکھتے ہوئے، توجہاً احساس کیا جاتی ہے کہ سائل کو بطور ADEO P&D (Male) ٹانک کی پوسٹ پر بحال کیا جائے۔

بحال کیا جائے۔

04.08.2018

Director

Consider

in

the

file

for

reference

to

آپ جناب کی محنت و توجہ کی بدولت

میں نے اپنے کام کو مکمل طور پر

تعمیل تک پہنچانے کیلئے کوشاں

رہا اور اس میں کوئی کوتاہی

نہیں کی ہے۔

میں نے اپنے کام کو مکمل طور پر

تعمیل تک پہنچانے کیلئے کوشاں

سائل نمبر: 0344-9355303

0344-9355303

0344-9355303

0344-9355303

APPROVE
 Do not write
 anything on
 this copy



OFFICE OF THE CHAIRMAN
DISTRICT DEVELOPMENT ADVISORY
COMMITTEE/ MPA/ PK-94 TANK

NO. 170 DDAC

Date Tank, the 09/05/2019

To:

The Director Anti-Corruption,
Govt. of Khyber Pakhtunkhwa, Peshawar

Subject:

CONDUCT INQUIRY AGAINST EX-ADEO P&D MR. HABIB ULLAH

Memo:

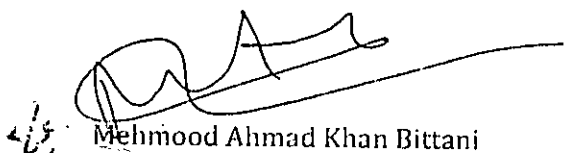
Reference this office letter No. 95-99/DDAC dated 13-03-2019 letter No. 123-24/DDAC date 09-04-2019 and letter No. 144-46/DDAC dated 02-05-2019

In this regard it is humbly requested to your goodself that above mentioned Ex-ADEO P&D Mr. Habib Ullah visited GPS Ayub Khan Korona dakhli Mullazai for preparation of feasibility report but unfortunately the said officer prepared fake feasibility report of GPS Ayub Kahn Korona dakhli Mullazai and made bogus/ fudge signatory of Deputy District Education Officer which is totally against the service rules. He also played a part of a gambler, not a Government Servant. He also involved in all kind of corruption such like PTC Fund in Education Department, Tank which causing a huge loss to the Education Department. He always involved in such like fakes feasibility reports and bogus signatory.

~~This~~ therefore, humbly requested to please conduct clean and crystal inquiry against the said officer and to take strict disciplinary action against and also transfer him to any for flung area in entire Khyber Pakhtunkhwa for the smooth running of Education Department, Tank and the best interest of general public as well under intimation to the undersigned please.

In this context, you are requested to prob into the matter personally and check out all the detail Assets/ Accounts of the said officer please.


Your personal attention into the matter will be highly appreciated.


Mehmood Ahmad Khan Bittani
Chairman DDAC/ MPA PK-94 Tank
Dated. _____/2019

No. _____/DDAC

Copy to

1. The Commissioner, DIKhan Division DIKhan.
2. The Deputy Commissioner Tank.
3. The Assistant Director Anti-Corruption DIKhan Division DIKhan.
4. The Circle officer Anti-corruption.
5. The PA to Chairman DDAC/MPA PK-94, Tank.


Mehmood Ahmad Khan Bittani
Chairman DDAC/ MPA PK-94 Tank



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

Consequent upon approval by the competent authority, the services of Mr. Gul Nawaz SST working against the post of ADEO (P&D) at the office of District Education Officer (F) Tank, is hereby placed at the disposal of District Education Officer (Male) Tank, for further posting against the vacant of SST in Tank in his own pay and BPS, in the interest of public service with immediate effect.

Note:-

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

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Encls No. 5800-804 /A-17/Posting/Transfer/SST/ADEO/KP
Dated Peshawar the 25/7 2019

Copy of the above is forward to the:-

1. District Education Officer (M) Tank, with the remarks to place letter of this displeasure on the ACR dossiers of both officers for political influence regarding their posting against the post of ADEO (P&D) at the office of DEO(F) Tank.
2. District Education Officer (F) Tank with the remarks to submit suitable proposal for filling up vacant post of ADEO(P&D).
3. District Account Officer Tank.
4. Section Officer (Schools/Male) E&SE Department Peshawar w/r to the letter NO. SO(SM)E&SED/12-1/2019/Misc. Dated: 22-07-2019.
5. Officer concerned.
6. PA to Director (E&SE) Khyber Pakhtunkhwa.
7. NV File.

Handwritten signature
Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Handwritten signature
25/7/19