

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
AT CAMP COURT ABBOTTABAD.

Service Appeal No. 568/2022

Abdul Shakoor S/O Malik Aman, R/O Near Ayub Medical College Mohalla
Usmanabad Abbottabad.

VERSUS

Government of Khyber Pakhtunkhwa, through its Secretary Elementary and
Secondary Education Department, Secretariat Peshawar and 03 others.

ORDER
22.02.2023

Mr. Waqar Orakzai, Advocate for the appellant present. Mr. Sohail
Ahmad Zeb, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District
Attorney for the respondents present.

Learned counsel for the appellant stated at the bar that the grievance of
the appellant has been redressed, therefore, he does not want to press the
appeal and sought its withdrawal. In this respect, endorsement of learned
counsel for the appellant obtained at margin of order sheet.

In view of the above, the appeal in hand stands dismissed as
withdrawn. Parties are left to bear their own costs. File be consigned to the
record room.

ANNOUNCED
22.02.2023



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

That I want to withdraw the instant appeal as my grievance has been redressed.

22-02-2023.
WAQAR ORAKZAI Adv H.C. Peshawar

21.09.2022

Appellant present through counsel.

Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days. Where-after, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 17.10.2022 before S.B at Camp Court, Abbottabad.

Annexed with the memorandum of appeal, is an application for interim relief. Notice of this application be issued to the respondents. In the meanwhile, operation of impugned Notification dated 31.01.2022 shall remain suspended to the extent of appellant, if not acted upon earlier.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

13/100
Appellant Deposited
Security & Process Fee
27/9
SCANNED
KPST
Peshawar

25th Jan. 2023

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General alongwith Mr. Sohail Ahmad Zaib, ADO for the official respondents present. Nemo for private respondent No. 4.

Written reply/comments on behalf of the respondents is still awaited. Representative of the respondents requested for further time. Fresh notice be issued to private respondent No. 4. To come up for written reply/comments of all the respondents on 22.02.2023 before the S.B at Camp Court, Abbottabad.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member(E)
(Camp Court, A/Abad)

14.06.2022

Appellant in person present.

Lawyers are on general strike, therefore, case is adjourned to 20.07.2022 for preliminary hearing before S.B at Camp Court, Abbottabad.



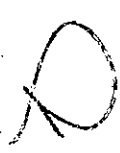
(Rozina Rehman)
Member (J)
Camp Court, A/Abad

20.07.2022

Clerk of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is indisposed. Adjourned. To come up for preliminary hearing on 21.09.2022 before the S.B at Camp Court Abbottabad.






(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad



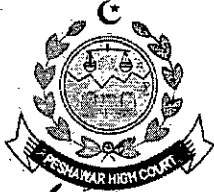
Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 568/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/04/2022	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court A.Abad Bench and the Hon'ble High Court vide its order dated 05.04.2022 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at A.Abad for preliminary hearing to be put up there on <u>20-5-2022</u>. Notices shall be issued to appellants and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	12/5/22 19.05.2022	<p>None for the appellant present.</p> <p>Notices be issued to the appellant as well as his counsel. To come up for preliminary hearing before S.B on 14.06.2022 at camp court Abbottabad.</p> <p style="text-align: right;"> (Kalim Arshad Khan) Chairman Camp Court Abbottabad</p>

SCANNED
KPST
Peshawar.



THE

**PESHAWAR HIGH COURT
ABBOTTABAD BENCH.**

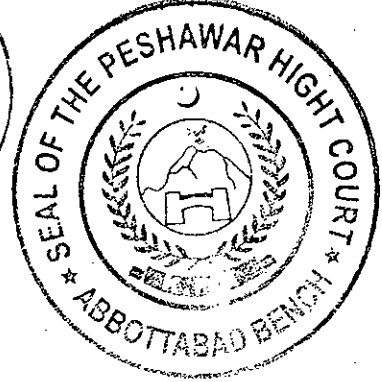
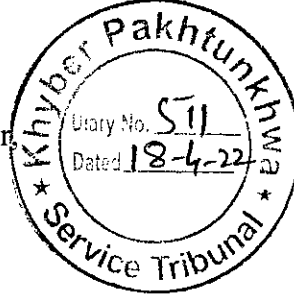
PH: 0992-921058
FAX: 0992-921055

No: 452

Dated Abbottabad 8/4 /2022

From:

The Additional Registrar,
Peshawar High Court,
Abbottabad Bench.



To,

**The Worthy Chairman,
Service Tribunal, Khyber Pakhtunkhwa,
Peshawar.**

Subject: WRIT PETITION NO. 201-A of 2022.

Abdul Shakoor

.....Petitioners

VERSUS

Govt. of Khyber Pakhtunkhwa & others.

.....Respondents

Respected Sir,

I am directed to forward herewith original writ petition bearing No. **201-A/2022**, titled "**Abdul Shakoor VS Govt. of Khyber Pakhtunkhwa & others**" alongwith judgment dated 05.04.2022, passed by the Honourable Court D.B in the above noted case for **further necessary action** please.

Additional Registrar

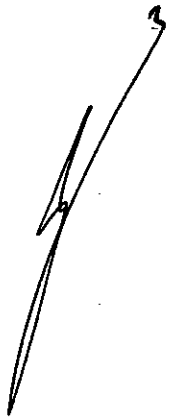
6

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
05.04.2022	<p data-bbox="558 481 889 519"><u>C.M.No. 167-A/2022.</u></p> <p data-bbox="558 541 1455 619">Present: Mr. Qaiser Rehman Khan, Advocate, for the applicant.</p> <p data-bbox="954 624 1052 645" style="text-align: center;">*****</p> <p data-bbox="558 740 1455 1179"><u>WIQAR AHMAD, J.-</u> Through the instant application, applicant (Said Umar Khan son of Muhammad Ghani) has prayed for his impleadment in the main writ petition on the ground that he was aggrieved of the interim order dated 15.02.2022 passed by this court whereby his transfer order had been suspended.</p> <p data-bbox="558 1219 1455 1658">2. In view of contents of the application coupled with submission made at the bar, this application is allowed. The office is directed to implead Said Umar Khan in the panel of respondents with red ink and necessary correction / addition shall be made in the relevant Register.</p> <p data-bbox="558 1698 889 1736"><u>W.P.No. 201-A/2022.</u></p> <p data-bbox="558 1776 1455 2220"><u>WIQAR AHMAD, J.-</u> This court vide order dated 15.02.2022 while requisitioning comments from respondents No.2 & 3 had suspended operation of the impugned transfer order dated 31.01.2022 owing to non-functioning of Khyber Pakhtunkhwa Services Tribunal, however, during pendency of instant writ petition, the</p>

SCANNED



Tribunal has been made functional by appointment of a new Chairman, therefore, this case be sent to Khyber Pakhtunkhwa Services Tribunal Peshawar for decision with direction to both the parties to appear before the Tribunal on 28.04.2022.


JUDGE

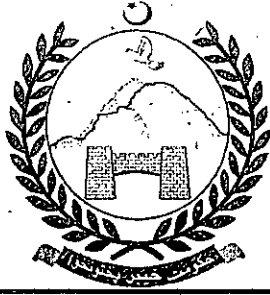

JUDGE

Handwritten notes:
21/4/22

Saif. CS.

Hon'ble Mr. Justice Wiqar Ahmad
Hon'ble Mr. Justice Kamran Hayat Miankhel

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD



No. 1369 /EB-I

Dated: 22 /02/2022

0992-9310102, 0992-330131
EDO.Education.Atd@gmail.com

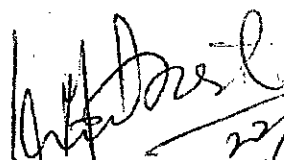
To

The Incharge (HM),
GMS Banda Dilazak,
Abbottabad.

Subject: HANDED OVER CHARGE

In pursuance to the Order dated 15-02-2022 of the Honourable Peshawar High Court Abbottabad Bench in WP No. 201-A/2022 as the Honourable Peshawar Court Suspended the impugned transfer order issued under Endst: No.830-36 dated 31-01-2022.

You are directed to handover the charge to Mr. Abdul Shakoor SST (G) with immediate effect.


22/2/2022
District Education Officer (M)
Abbottabad

پشاور ہائی کورٹ ایبٹ آباد بینچ

Writ Petitions

W.P 201/2022

دیوانی / فوجداری

نمبر مقدمہ

منوان مقدمہ

Abdul Shakoor V/s Govt etc

نوٹس بنام

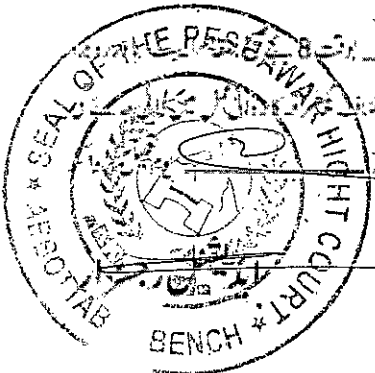
Waqar Orakzai Atd _ Advocate(s)

5-4-2022

آپ کو نوٹس دیا گیا

~~14 September 2022~~

یعنی یہ نوٹس آپ کو مقدمہ نموان پر منسوب ہے



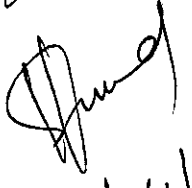
DD
نوٹس ایبٹ آباد ہائی کورٹ کے جج صاحب نے جاری کیا ہے۔ اس کے ساتھ ساتھ آپ کو نوٹس دیا گیا ہے کہ اس کے خلاف کارروائی کی جائے گی۔

30/03/2022

1674

دکھائی

5/4/2022

Received
 Mr. Shahzad

 4/04/2022

اسٹنٹ سیزاد
 ایڈیٹر

صاحب خان

میرا اسٹیٹ ہے کہ وقار اور سبکی ایڈیٹر کے ہیں بدینہ
 اسٹنٹ سیزاد ایڈیٹر کے نہیں ہے۔

منجی راجہ

04.04/22

منجی راجہ

 04/04

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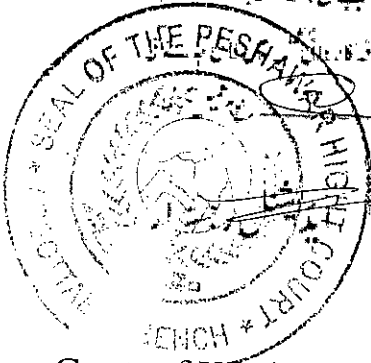
پشاور ہائی کورٹ ایبٹ آباد بنچ

Writ Petitions

W.P 201/2022

Abdul Shakoor V/s Govt etc

05 April 2022



30/03/2022

1075

1 Govt. of KP through Secretary Elementary & Secondary Education Department, Secretariat, Peshawar.

2 Director, Elementary & Secondary Education Department, Peshawar.

3 District Education Officer (Male), Abbottabad.

Petitioner -

1 - Abdul Shakoor S/o. Malik Aman R/o Near Ayub Medical College Mohallah Usmanabad Abbottabad.

۱۳۹۲

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
والصلاة والسلام على
سيدنا محمد وآله الطيبين
الطاهرين
اللهم صل على محمد
وعلى آل محمد
اللهم صل على
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۱۳۹۲
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وعلى آل محمد
اللهم صل على
سيدنا محمد
وعلى آل محمد

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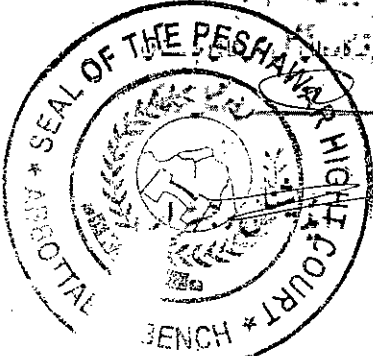
پشاور ہائی کورٹ ایبٹ آباد بنچ

Writ Petitions

W.P 201/2022

Abdul Shakoor V/s Govt etc

05 April 2022



30/03/2022

1075

1 Govt. of KP through Secretary Elementary & Secondary Education Department, Secretariat, Peshawar.

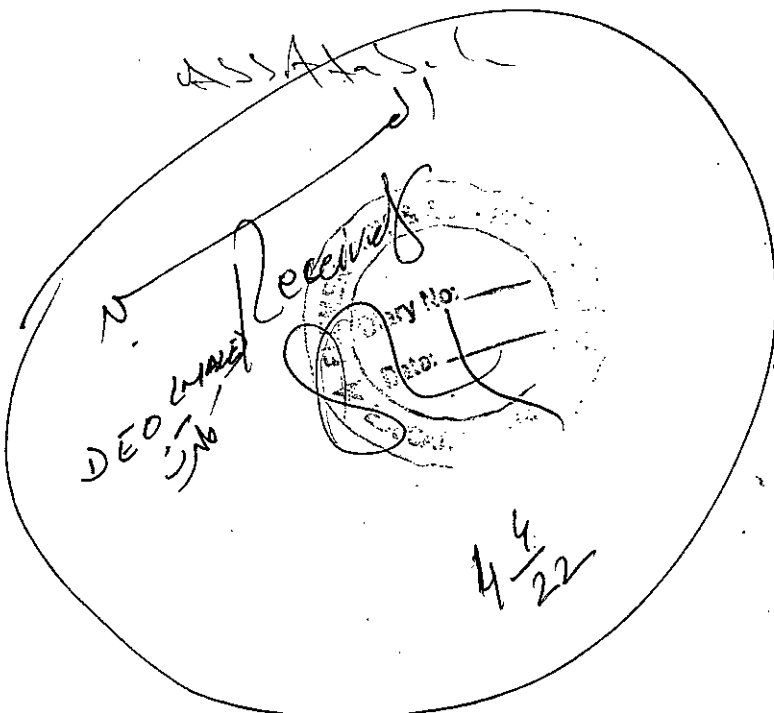
2 Director, Elementary & Secondary Education Department, Peshawar.

3 District Education Officer (Male), Abbottabad.

Petitioner:-

1- Abdul Shakoor S/o Malik Aman R/o Near Ayub Medical College Mohallah Usmanabad

ASSA At the



ضمانت نامی

گزارش ہے کہ حسب الحکم برائے سمن موصول ہوا ہے۔
میں نے سمن برائے 3 کو حکم دیا کہ وہ سمن موصول ہونے پر
کرائی ٹی کے لیے سیدھا رپورٹ میں عرض ہے۔

PS- شرافت روفی
موجود

04-04-22



1 | 1

بیان حلفی

بیان کیا ہے کہ سیدھے سیدھے رپورٹ میں درج ہے

لکھنوی سمن

For SCJ ATD

IN THE PESHAWAR HIGH COURT ABBOTTABAD BENCH.

..... *CM* NO *167* of 20 *21*

Petition Presented By *Casir Rahman Adv.*

Petitioner Personally). The Petition is in proper form and is accompanied by copies of all necessary documents. Register and place before a Judge/DB for order on the

Day of 20 *with main case*

A slip showing the date of hearing has this day been delivered to the petitioner.

Dated *27/2/22*

Q. Araf
Reader
27/2/22

Countersigned

W
FILED TODAY
Additional Registrar
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
27/2/22

27 FEB 2022

5

IN THE PESHAWAR HIGH COURT,
PESHAWAR
OPENING SHEET FOR CM

Case No. _____
Date of Filing: _____
District: Abbottabad

Case Type: CM APPLICATION

Nature of Original Proceedings: WP

Category Code: -

(Categories & Sub Categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of

Writ of: Habeas Corpus Prohibition Mandamus Quo Warranto Certiorari

If Certiorari;

Forum	Date	Interlocutory / Final Order	Caste Pertains to
Appellate Court			SB
Trial Court			<input checked="" type="checkbox"/> DB

Petitioner Name	SAID UMER KHAN
Mobile No.	
Address	H.no. 24, Street no.5, Bilal Town, Tehsil & District Abbottabad
CNIC No.	
Email Address	

Counsel for Petitioner(s)	Qaiser Rehman Khan Advocates High Court, Abbottabad
Mobile No.	0313-5837689
Address	District Court, Abbottabad.
CNIC No.	13101-0871986-4
Email Address	qaiserkhan7@gmail.com

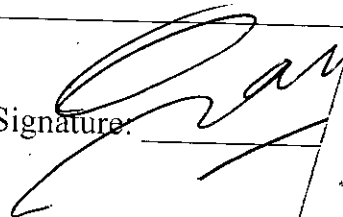
Respondent(s)	Govt of KPK, Peshawar and others
Address	As given in Writ Petition

Original Order/ Action/ Inaction Complained of;
PHC Abbottabad interim order dated 15-02-2022

Prayer;
Mentioned in the CM Application.

Law/Rules/Governing the original proceedings/action/Inaction:
1. The Constitution of Islamic Republic of Pakistan, 1973.
2. AND other relevant laws

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
2/2/22

Signature: 

**BEFORE THE PESHAWAR HIGH COURT
BENCH ABBOTTABAD**

CM No. 167 /2022

In

W.P.No. 201-A/2022

Abdul Shakoor

...PETITIONER

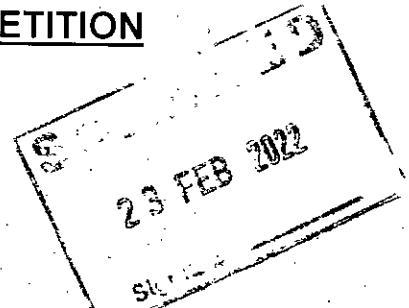
VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary and Secondary Education Department, Secretariat
Peshawar and Others

...RESPONDENTS

CM APPLICATION IN WRIT PETITION

INDEX



S.No.	Description of Documents	Annexure	Page No.
1.	CM Application along with Affidavit	-	1-3
2.	Copy of PHC interim order dated 15-02-2022	A	4
3.	Copies of miscellaneous documents	B	5-10
3.	Wakalat nama	-	11-12

...PETITIONER

FILED
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

Through:

(QASIER REHMAN KHAN)

Advocate High Court
Abbottabad

Dated: 22-02-2022

**BEFORE THE PESHAWAR HIGH COURT
BENCH ABBOTTABAD**

CM No. 167 /2022

In

W.P.No. 201-A/2022

Abdul Shakoor

...PETITIONER

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary
Elementary and Secondary Education Department, Secretariat
Peshawar and Others

...RESPONDENTS

**CIVIL MISCELLENEOUS APPLICATION TO IMPLEAD MR
SAID UMER KHAN SON OF MUHAMMAD GHANI, RESIDENT
OF H.NO. 24, STREET NO.5, BILAL TOWN, TEHSIL &
DISTRICT ABBOTTABAD, AS ONE OF THE RESPONDENTS
IN THE ABOVE TITLED WRIT PETITION**

Respectfully Sheweth;

1. That the instant writ petition is pending before this Hon'able Court and fixed for hearing on 23-02-2022.
2. That in instant writ petition the interim order passed by this Hon'able Court dated 15-02-2022 suspending the impugned notification (transfer order) dated 31-01-2022 which directly affects the applicant. (Copy of the order sheet is attached as Annexure "A")

No. 1149
22-02-22

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
22/2/22

3. That the applicant is aggrieved by this Hon'able Court interim order dated 15-02-2022 since the suspended notification (transfer order) contained name of the applicant which makes him a proper and necessary party in the instant Writ Petition.
4. That valuable rights of the applicant are involved.
5. That it is in the interest of justice to implead name of applicant as one of the Respondents to adjudicate upon the matter according to law.

It is, therefore, respectfully prayed before this Hon 'able Court to allow impleading of applicant in the panel of Respondents in the instant Writ Petition.

...PETITIONER

Through:

(QASIER REHMAN KHAN)

Advocate High Court
Abbottabad

Dated: 22-02-2022

VERIFICATION

It is verified that contents of this application are correct to the best of my knowledge and nothing has been concealed from this Hon'able Court.

Dated: 22-02-2022


Said Umer Khan (Applicant)

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
22/2/22

BEFORE THE PESHAWAR HIGH COURT BENCH ABBOTTABAD

CM No. _____ /2022

In

W.P.No. 201-A/2022

Abdul Shakoor

...PETITIONER

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary
Elementary and Secondary Education Department, Secretariat
Peshawar and Others


...RESPONDENTS

CM APPLICATION IN WRIT PETITION

AFFIDAVIT

I, Said Umer Khan son of Muhammad Ghani, resident of
H.no. 24, Street no.5, Bilal Town, Tehsil & District Abbottabad, do
hereby solemnly affirm and declare on oath that the contents of
instant application are true and correct to the best of my knowledge
and belief and nothing has been concealed intentionally therein.


Dated: 22-02-2022

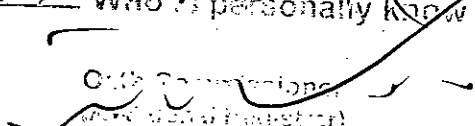
13101-0983355-9 

AFFIDAVIT DEPONENT

S.No: 280/591 Receipt No: 54

Certified that the above was verified on Solemn
affirmation Said Umer Khan before me on this
22 day of Feb 2022 by
Said Umer Khan son of Muhammad Ghani
House No 24 Street No 5
Bilal Town who was personally known to me
who is personally known to me

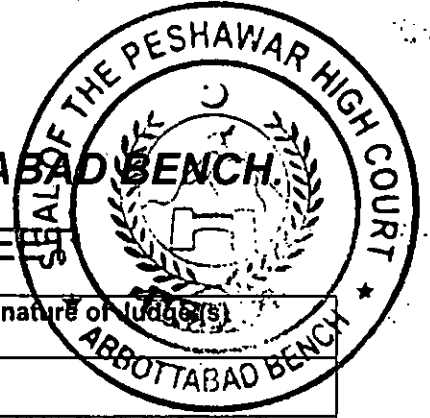
**FILED FOR
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH**


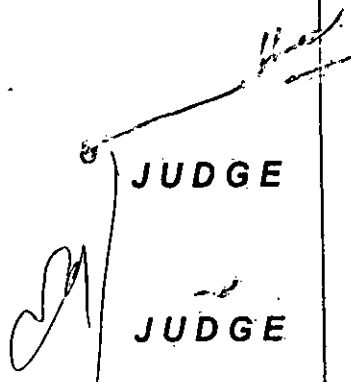

Additional Registrar
Peshawar High Court Abbottabad Bench
22/2/22

(4)

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
15.02.2022	<p><u>W.P.No.201-A/2022.</u></p> <p>Present: Mr. Waqar Orakzai, Advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p>Comments be called from the respondents No.2 and 3, so as to reach this court within a week.</p> <p>Adjourned to 23.02.2022.</p> <p><u>INTERIM RELIEF.</u></p> <p>Notice for 23.02.2022. As the Service Tribunal is not functional, therefore, the impugned transfer order of the petitioner shall remain suspended till the date fixed.</p> <p style="text-align: right;">  JUDGE JUDGE </p>

Certified to be True Copy
EXAMINER
19 FEB 2022
Peshawar High Court Atd. Bench
Authorized Under Se: 75 Evid Ordns.



No.	49970
Date of Presentation of Application	19.02.2022
No of Pages	18
Copying Fee	50/-
Urgent Fee	102/54/-
Total	
Name of Officer	Chopra
Date of Presentation of Application	19.02.2022
Date of Initiation	19.02.2022
Date of Delivery	19.02.2022

(5)

Amrume B

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.

OFFICE ORDER.

The adjustment of following SSTs is hereby ordered on their own pay and BPS as recorded against each in the interest of public service with immediate effect.

S.No.	Name & Designation.	From.	To	Remarks.
1	Mr. Abdul Shakoor SST (G)	GMS Banseri under transfer to GMS Banda Dilazak ATD.	GHS Jhangi Abbottabad.	On Stop-gap arrangement till further order.
2	Mr. Saïd Umer SST (G)	GHS Tarnawai Abbottabad.	GMS Banda Dilazak Abbottabad	Vice S.No.1

Note:-

1. Charge report should be submitted to all concerned.
2. No TA/DA & T/G is allowed.
3. S.No.2 will take over charge on 21-02-2022 (A.N)

Sed
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

Endst No. 830-36 / EB-I/SSTs Dated Abbottabad the 31-01-2022.

Copy for information to:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Comptroller of Accounts Abbottabad.
3. District Monitoring Officer (EMA) Abbottabad.
4. Principal GHS Tarnawai Abbottabad.
5. Budget & Accounts Officer Local Office.
6. Head Master GMS Banseri & GMS Banote Abbottabad.
7. AP EMIS branch local office.
8. Teachers concerned.

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

31/01/2022

6

**DIRECTORATE OF ELEMENTARY AND SECNDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.**

OFFICE ORDER

Said Umar Khan SST (General) GHS, Kotka Ayaz District Bannu is hereby transferred and posted against the vacant of post of SST (General) GHS, Tarnawai District Abbottabad in his own pay & BPS in the interest of public service with Immediate effect.

- Note: - 1. No TA/DA etc are allowed.
2. Charge report should be sent to all concerned.

4832-38

DIRECTOR

Endst: No. _____/No. 07/Vol-04/SST (M) Transfers Dated Peshawar the 20/8/2018

Copy of the above is forwarded to the:-

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

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

20/8/2018



7

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9225512

No. SO(SM)E&SED/7-1/2021/PT/General
Dated Peshawar the January 03, 2022

To

1. The Director,
Elementary & Secondary Education, Khyber Pakhtunkhwa,
Peshawar.
2. All District Education Officers (Male & Female),
Khyber Pakhtunkhwa.

SUBJECT: INSTRUCTIONS REGARDING POSTING/TRANSFER.

I am directed to refer to this Department letter No. SO(SF)E&SED/4-16/2021/Rationalization Policy dated 09-09-2021 and to convey the direction of the Competent Authority regarding relaxation of ban on posting/transfer of teachers/officials (mutual/rationalization/general) subject to teacher-student ratio and fulfilment of all codal formalities in accordance to rules/policy/instructions issued by the Govt./Department from time to time.

2. I am, further directed to state that the posting/transfer of contract employees shall not carried out in any case, please.


(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to:-

1. All Section Officers in E&SE Department.
2. PS to Minister for E&SE Khyber Pakhtunkhwa.
3. PS to Secretary, E&SE Department.
4. PS to Special Secretary E&SE Department.
5. PA to Deputy Secretary (Admn) E&SE Department.


SECTION OFFICER (SCHOOLS MALE)



8

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-921111

No. SO(SM)E&SED/7-1/2022/PT/General
Dated Peshawar the January 04th, 2022

To

1. Director,
Elementary & Secondary Education, Khyber Pakhtunkhwa
2. All District Education Officers (Male & Female),
Khyber Pakhtunkhwa.

Subject: **INSTRUCTION REGARDING POSTING/TRANSFERS.**

I am directed to refer this Department's letter of even number dated 03-01-2022 and to convey the directions of the Competent Authority as per following -

- i. Posting / transfer order / notifications shall be issued up to 31-01-2022 and there will be a complete ban on any kind of posting/transfers after the cut of date.
- ii. Grievance Redressal applications against any posting / transfer will be submitted online through Web Portal of E&SE Department, Khyber Pakhtunkhwa and Director EMIS will share the appeal with the concerned DEOs on weekly basis, preferably on Monday of every week.
- iii. All posting/transfer orders/notifications will be uploaded on HRMIS and report be shared with the Director EMIS of E&SE Department on weekly basis.
- iv. No teacher / official will visit the department as well as Directorate of E&SE for any grievance. If found, he/she will be proceeded against under Govt. Servants (E&D) Rules, 2011

2- The above instructions shall strictly be followed.


(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (S/M)

Endat of even No. & Date

CC to the: -

1. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
2. Director EMIS E&SE Department for coordination and similar necessary action.
3. All Section Officers E&SE Department, Khyber Pakhtunkhwa.
4. PAs to Special Secretary (Estab), Addl. Secretary (Estab) and Deputy Secretary (Estab) E&SE Department, Khyber Pakhtunkhwa.


SECTION OFFICER (S/M)



No.F.6 (14)/2022-LGE (PEC)
OFFICE OF THE
PROVINCIAL ELECTION COMMISSIONER
KHYBER PAKHTUNKHWA

Special Messenger
TOP PRIORITY/LGE-2022
Phone# 091-9222540
091-9222549
lwawingpk@gmail.com

The Secretary,
Elementary & Secondary Education Department,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

Shami Road Peshawar
February 11, 2022


Subject - BAN ON POSTING/TRANSFER.

Dear Sir,

I am directed to refer to your office Notification No. SO(MC)E&SED/4-18/2021/Posting/Transfer/TC, dated the 10th February, 2022 whereby your office has transferred DEOs (Female) Shangla & Abbottabad and it may be recalled that revised Election Schedule has been issued in these Districts vide Election Commission of Pakistan, Islamabad Notification No.F.16(1)/2021-LGE-KP(Vol-I), dated the 09th February, 2022.

2. I am further directed to state that the Election Commission of Pakistan vide above referred Notification has directed that "Districts in respect of which election schedule of local government elections has been issued, no transfers / postings of the Government Officers and Officials including Autonomous Bodies/ Authorities shall be made without prior approval of the Commission till the publication of election results".

3. I am further directed to request that the above mentioned Notification of your good office may kindly be rescinded or held in abeyance under intimation to this office in the larger national interest till the culmination of election process/publication of official result of the election, please.


11-02-2022
(MUHAMMAD NASIR KHAN)
Deputy Director (LGE)

Copy forwarded for information to:-

1. The Regional Election Commissioners, Malakand & Hazara.
2. The District Election Commissioners, Shangla & Abbottabad.

/
(MUHAMMAD NASIR KHAN)
Deputy Director (LGE)

(C)



No.F.6 (14)/2022-LGE (PEC)
OFFICE OF THE
PROVINCIAL ELECTION COMMISSIONER
KHYBER PAKHTUNKHWA

Special Messenger
TOP PRIORITY/LGE-2022
Phone# 091-9222540
091-9222549
lge@lgepk.com

The Secretary
Government of Khyber Pakhtunkhwa
Communication & Works Department
Peshawar

Shami Road Peshawar
February 12, 2022

Subject: **BAN ON POSTING/TRANSFER.**

Dear Sir

I am directed to refer to your office Notification No. SO/C&WD/3-1/2022 dated the 11th February, 2022 whereby, your office has transferred some officers in those Districts where revised Election Schedule has been issued vide Election Commission of Pakistan Islamabad Notification No.F.16/1/2021-LGE-KP(Vo-II), dated the 09th February, 2022 wherein Election Commission of Pakistan vide above referred Notification has directed that "Districts in respect of which election schedule of local government elections has been issued, no transfers / postings of the Government Officers and Officials including Autonomous Bodies/ Authorities shall be made without prior approval of the Commission till the publication of election results".

2 I am further directed to request that the above mentioned Notification of your good office may kindly be rescinded or held in abeyance under intimation to this office in the larger national interest till the culmination of election process/publication of official result of the election please

Encl:- As above.

MASIR
12-02-2022
(MUHAMMAD NASIR KHAN)
Deputy Director (LGE)

- Copy forwarded for information to -
1. SO to Secretary Election Commission of Pakistan Islamabad
 2. PSO to Chief Secretary Khyber Pakhtunkhwa Peshawar

(MUHAMMAD NASIR KHAN)
Deputy Director (LGE)

HCBA Reg No. 6 4 8 - A

BC No. 14 - 509 8

Place of Practice ایبٹ آباد

Name of Advocate کرنل قیصر رحمان خان

S. No. 24041



وکالت نامہ

بعدالت: کرنل قیصر رحمان خان

عنوان: عبدالغفور نام: گنج بخش عرف کپک

منجانب: Applicant/Respondent نوعیت مقدمہ: Writ Petition

باعث تحریر آنکھ: سین

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایبٹ آباد کے لیے

عسکر رحمان ایڈووکیٹ کی طرف سے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوئے گا نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل یا بروز تعطیل کے اوقات میں پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مٹانے کے واپس کر ہونے کے بھی صاحب موصوف ذمہ دار نہ ہوئے گا۔ مجھ کو کل ساختہ پر دائرہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل گزارانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور نفاذ کرنے اور ہر قسم کے بیان دینے اور اس پر تاشی و راضی نامہ درج ذیل بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جائے پیر و نجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کٹرفرہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ہنگی علیحدہ محتانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کرے اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانب التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 2022-10-21-22

دن مہینہ سال

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

(Handwritten signature of Qaiser Rehman Khan)

QAISER REHMAN KHAN
ADVOCATE HIGH COURT
ABBOTTABAD

کیسٹنگ خان دلہ محمد علی

HCBA Reg No.

BC No.

Place of Practice Abbottabad

Name of Advocate Jahangir Elahi

S. No. 22174



وکالت نامہ

بعدالت: شہر عالی کورٹ ایبٹ آباد
 عنوان: عبدالغفور
 نام: محمد عبدالغفور
 نوعیت مقدمہ: Writ-Petition
 باعث تحریر آئیکہ: میں نے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایبٹ آباد کورٹ کے لیے

جہانگیر الہی ایڈووکیٹ کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوئے گا۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پچھلے یا پروز ٹیبل پیروی کرنے کے ذمہ دار نہ ہونے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے پچھلے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مٹانے کے واپس کرنے میں صاحب موصوف ذمہ دار نہ ہونگے۔ مجھ کو کل ساختہ پر داخیتہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل گزارانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور فراہم کرنے اور ہر قسم کے بیان دینے اور اس پر تاشی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جائے پیر و نجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری یا گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ہنگی علیحدہ محتانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے جگہ یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پرے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 2022-10-21

دن مہینہ سال

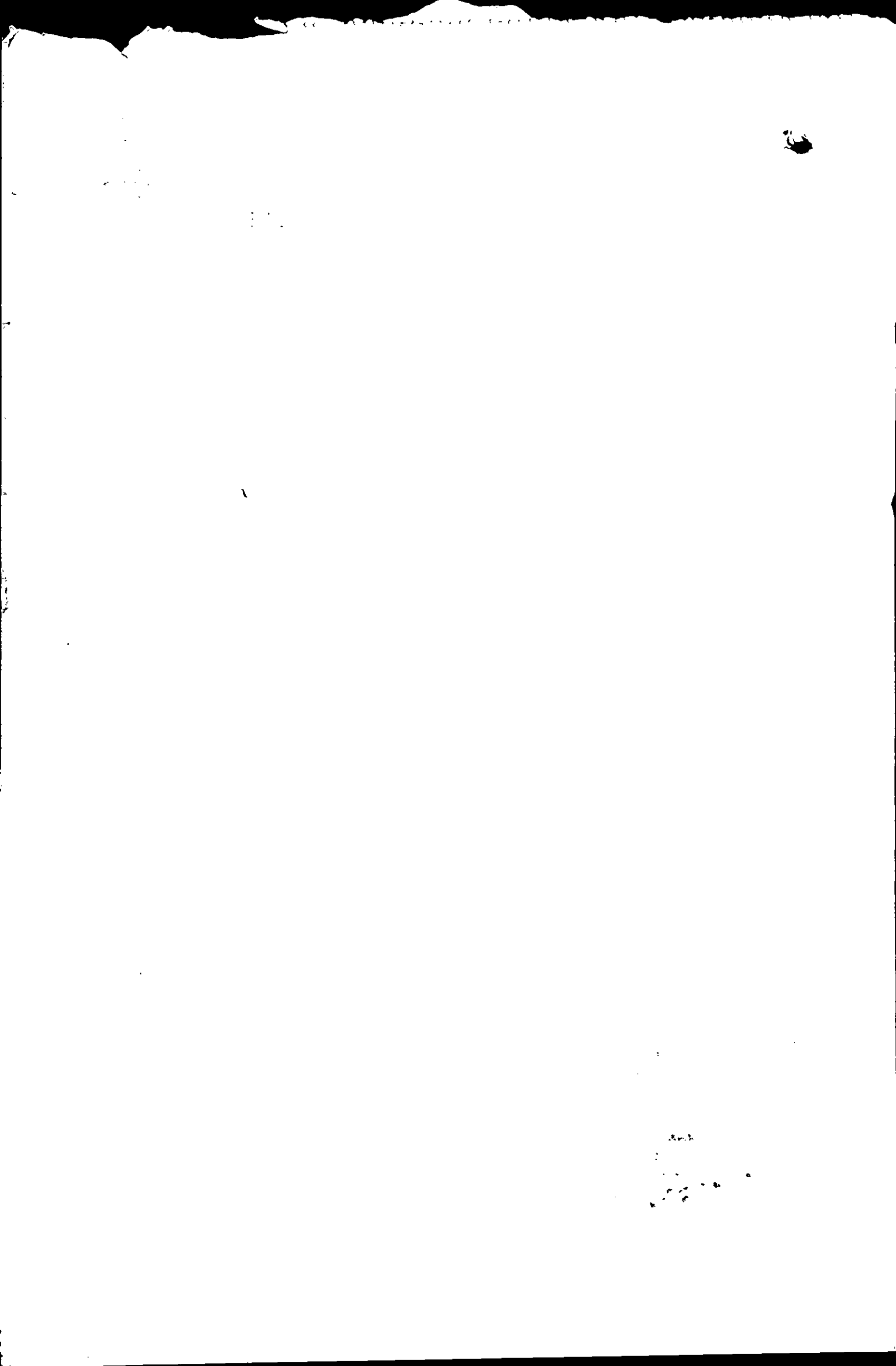
لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

نوٹ: اس وکالت نامہ کی ذمہ داری نا قابل قبول ہوگی۔

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

Jahangir Elahi
Advocate High Court
Ayub Taseer Lawyers Plaza
Office # 23

Said Uman Khan



پشاور ہائی کورٹ ایبٹ آباد بنج

Writ Petitions

W.P 201/2022

دیوانی / فی حدادی

تہذیبی

Abdul Shakoor V/s Govt etc

نوٹس بنام:

Waqar Orakzai Atd_ Advocate(s)

5-6-2022

آپ کو بذریعہ نوٹس بلا

~~14 September 2022~~

مستحق کو کیا ہے کہ آپ ہفتہ روزہ منٹون ہلال سومری بوقت 8 بجے بجے ہفت روزہ ایبٹ آباد بنج

اسرائیل اور اسرائیلی انتہا پسندوں کی ہراسہ دہی اور کفر سے متعلقہ آپ سے متعلقہ کٹھنوں کا رد عمل میں لائی ہوئے نوٹ

نوٹ دیکھ کر خوش کن ہو کر آپ کو نوٹس دیا گیا ہے کہ آپ کو نوٹس دیا گیا ہے کہ آپ کو نوٹس دیا گیا ہے کہ آپ کو نوٹس دیا گیا ہے

واپس عدالت بذریعہ نوٹس دیا گیا ہے کہ حکومت و دیگر متعلقہ اداروں کے خلاف کارروائی کی جائے گی۔

ایڈووکیٹ جسٹس راجندر

30/03/22

تاریخ

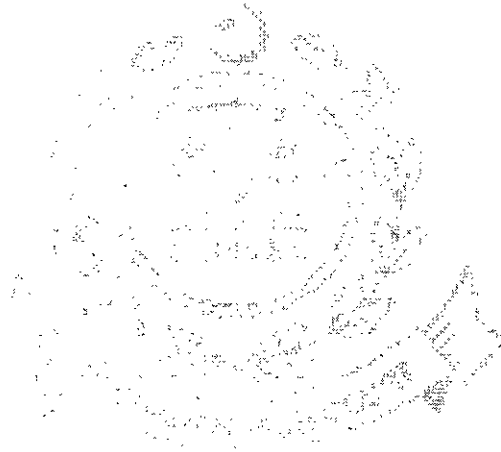
دفعہ نمبر

29-03-2022

WP No. 201-A/2022

Vide notification No.SO(E-I)E&AD/9-126/2022, dated 16.03.2022, issued by Government of Khyber Pakhtunkhwa Establishment department. As the Khyber Pakhtunkhwa Service Tribunal is functional and the instant case is relating to the same forum, therefore, this case is ante-dated from 14.09.2022 and fix before Hon'ble Court D.B on 05.04.2022. Inform all concerned.


Additional Registrar





**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

DATED PESHAWAR, THE MARCH 16, 2022

NOTIFICATION

NO. SO(E-I)/E&AD/9-126/2022. In exercise of powers conferred under Section-3 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, Mr. Kalim Arshad Khan (District & Session Judge), Additional Registrar (Judicial), Peshawar High Court, Peshawar is hereby appointed as Chairman, Khyber Pakhtunkhwa Service Tribunal, Peshawar for a period of three years or until attaining the age of sixty years, whichever is earlier, in the public interest, with immediate effect.

2. Terms & conditions of his appointment will be settled in consultation with Finance Department, later on.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst. No & Date even.

Copy forwarded to the:-

1. Registrar, Peshawar High Court, Peshawar.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
5. Secretary to Govt. of Khyber Pakhtunkhwa, Law & Parliamentary Affairs Department.
6. Register, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
7. Advocate General, Khyber Pakhtunkhwa Peshawar.
8. Accountant General, Khyber Pakhtunkhwa.
9. PS to Chief Secretary, Khyber Pakhtunkhwa
10. PS to Secretary Establishment/
D.S(Admn)/D.S.(Estt.)/S.O.(Secret)/SO(HRD-I)/SO(Admn), ACSO Cypher and Director Protocol E&AD.
11. Officer concerned.
12. Manager, Govt. Printing Press Peshawar.

(ZIA-UL-HAQ) / 16/3/2022
*
SECTION OFFICER (ESTT- I)
PH: No# 091-9210529

IMDAD KHAN

09/02/22

5.2 (W) on
M/D: 20/12 (M)

Adjourned/Leftover by Hon'ble Court from 23/02/22 and fix before
Hon'ble Court D.B on 14/03/22. Inform petitioner/parties and
his/their counsel.

ADDITIONAL REGISTRAR

Adjourned/Leftover by Hon'ble Court from _____ and fix before
Hon'ble Court D.B on _____. Inform petitioner/parties and
his/their counsel.

ADDITIONAL REGISTRAR

Adjourned/Leftover by Hon'ble Court from _____ and fix before
Hon'ble Court D.B on _____. Inform petitioner/parties and
his/their counsel.

ADDITIONAL REGISTRAR

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Hon'ble Court D.B on _____. Inform petitioner/parties and
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Hon'ble Court D.B on _____. Inform petitioner/parties and
his/their counsel.

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Hon'ble Court D.B on _____. Inform petitioner/parties and
his/their counsel.

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Hon'ble Court D.B on _____. Inform petitioner/parties and
his/their counsel.

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Hon'ble Court D.B on _____. Inform petitioner/parties and
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Hon'ble Court D.B on _____. Inform petitioner/parties and
his/their counsel.

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Hon'ble Court D.B on _____. Inform petitioner/parties and
his/their counsel.

ADDITIONAL REGISTRAR

Adjourned/Leftover by Hon'ble Court from _____ and fix before
Hon'ble Court D.B on _____. Inform petitioner/parties and
his/their counsel.

ADDITIONAL REGISTRAR

Adjourned/Leftover by Hon'ble Court from _____ and fix before
Hon'ble Court D.B on _____. Inform petitioner/parties and
his/their counsel.

ADDITIONAL REGISTRAR

پشاور ہائی کورٹ ایبٹ آباد بینچ

Writ Petitions

W.P 201/2022

Abdul Shakoor V/s Govt etc

23 February 2022

DB

18/02/2022

1/ Govt. of KP through Secretary Elementary & Secondary Education Department, Secretariat, Peshawar.

2/ Director, Elementary & Secondary Education Department, Peshawar.

3/ District Education Officer (Male), Abbottabad.

THE PESHAWAR HIGH COURT ABBOTTABAD BENCH.

..... NO 201 of 2022

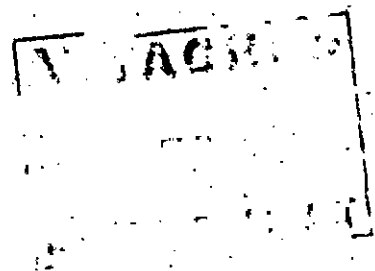
Petition Presented By Majid Ghalibai Lu

Petitioner Personally). The Petition is in proper form and is accompanied by copies of all necessary documents. Register and place before a Judge/DB for order on the

Day of 15-02- 2022

A slip showing the date of hearing has this day been delivered to the petitioner.

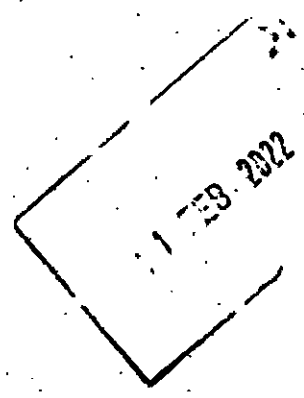
Dated 10/2/22



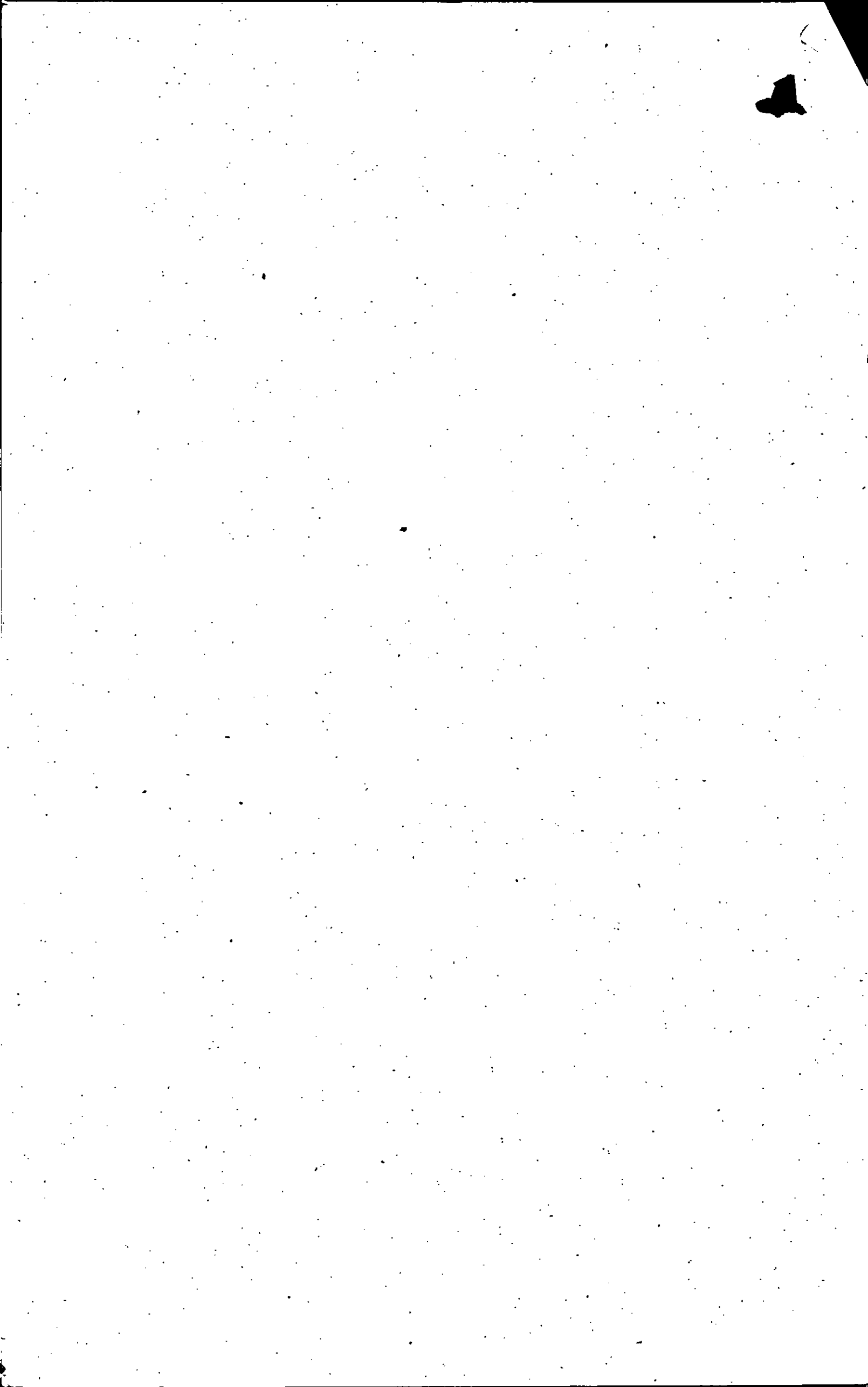
[Signature]
Reader
10/2/22

Countersigned

[Signature]
FILED TODAY
Additional Registrar
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
4/10/22



[Signature]



IN THE PESHAWAR HIGH COURT,
PESHAWAR
OPENING SHEET FOR WRIT BRANCH

Case No. _____
Date of Filing: _____
District: Abbottabad

Case Type: WRIT PETITION

Nature of Original Proceedings:

Category Code: -

(Categories & Sub Categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of

Writ of; Habeas Corpus Prohibition Mandamus **Quo Warranto** Certiorari

If Certiorari;

Forum	Date	Interlocutory / Final Order	Caste Pertains to
Appellate Court	16-06-2021	Final	<input type="checkbox"/> SB <input checked="" type="checkbox"/> DB

Petitioner Name	Abdul Shakoor S/o Malik Aman,
Mobile No.	
Address	R/o Near Ayub Medical College Mohalla Usmanabad Abbottabad.
CNIC No.	
Email Address	

Counsel for Petitioner(s)	(WAQAR ORAKZAI) Advocate High Court, Abbottabad
Mobile No.	0333-5050245
Address	District Courts Abbottabad
CNIC No.	13101-3298141-7
Email Address	

Respondent(s)	The State and others
Address	Nil

Original Order/ Action/ Inaction Complained of;

Prayer;
Mentioned in main petition

Law/Rules/Governing the original proceedings/action/Inaction:
1. The Constitution of Islamic Republic of Pakistan, 1973.
2. AND other relevant laws

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
20/7/21

Signature: *Waqar Orakzai*

**BEFORE THE HONOURABLE PESHAWAR
HIGH COURT, ABBOTTABAD BENCH**

Writ Petition No. 207 /2022

Appeal No. 568/2022

Abdul Shakoor

....PETITIONER

VERSUS

*Govt of KPK through its Secretary Elementary and Secondary Education
Department, Secretariat Peshawar and others*

RESPONDENTS

**WRIT PETITION
INDEX**

S.#	Description	Page #	Annexure
1.	Writ Petition along with affidavit, certificate	1-13	
2.	List of Books	14	
3.	Addresses of the parties	15	
4.	Copy of Salary Slip	16	"A"
5.	Copy of Transfer Order Dated 19-01-2022	17	"B"
6.	Copy Relevant Portion of ECP Notification	18	C
7.	Copy of Impugned Notifications	19 - 20	D-1,D2
8.	Copy of Departmental Representation	21	E
9.	Notices & Receipts	22 - 23	
10.	Court fee stamp paper worth of Rs. 500/-	24	
11.	Wakalatnama	25	

...PETITIONER

Dated: 10/2 /2022

Through

(Signature)
(WAQAR ORAKZAI)

(Advocate High Court, Abbottabad)

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
10/2/22

SCANNED
11 FEB 2022
Sign: _____

①

BEFORE THE HONOURABLE
PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Service Appeal No. 568/2022

Writ Petition No. 201 /2022

Abdul Shakoor S/o Malik Aman, R/o Near Ayub Medical College Mohalla Usmanabad Abbottabad.

.....PETITIONER

V E R S U S

1. **Government of KPK** through its Secretary Elementary and Secondary Education Department , Secretariat Peshawar.
2. **Director, Elementary & Secondary Education Department** Peshawar .
3. **District Education Officer Male District Abbottabad.**

R E S P O N D E N T

4. **Muhammad Sabir , SST**

PROFORMA RESPONDENT

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

It is most respectfully submitted:

FACTS

1. That the addresses of the parties, as provided in the heading of the instant constitutional petition, are

No. 859
10-02-22
FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
20/2/22

2

sufficient for any communication to be done by the honorable Court.

2. That the petitioner is currently serving as a SST in Elementary & Secondary Education Department KPK. That the petitioner is working for last 19 years and was previously posted as Headmaster at GMS Banseri .
3. That, the petitioner is performing his duties with due diligence to the entire satisfaction of students as well as of the administration of the respondent's department . That the petitioner was inducted as a TT and due to his performances he got promoted to SST.
4. That the petitioner assumed the charge as Head Master GMS Kothiala on 15-02-2020 which is considered as a Hard area by the respondent department being located in a hilly area. That the petitioner served there for 7 months before he was transferred to GMS Banseri. *Copy of Salary Slip is attached as Annexure A.*
5. That the petitioner, remained at GMS Banseri as Head Master which is also located in a hilly area before he was transferred to GMS Banda Dilazak vide notification Dated 19-01-2021 holding Estb No: 507-13/EB-

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ABBOTTABAD BENCH
10/7/21

I/SSTs/F.No. 108 . That the petitioner through the said advance transfer was directed to take charge on 21-02-2022 once the sanctioned post gets vacant on the retirement of Mr Muhammad Mehboob SST (G) on 21-02-2022. *Copy of Transfer Notification Dated 19-01-2022 is attached as Annexure B.*

6. That afterwards the election commission of Pakistan vide notification dated 20-01-2022 directed all the Government departments, organizations Autonomous insitutions etc to halt postings and transfers of Government officers and officials and directed that no transfer/posting shall be made without the prior approval of the election commission. *Copy of relevant portion of notification of ECP dated 20-01-2022 is attached as Annexure C.*

7. That respondent no.3 issued two different notification on 31-01-2022 in which the petitioner was firstly transferred to GMS Jhangi on stop gap arrangement basis against a non sanctioned position vide notification number 830-36/EB-I/SSTs and again vide same notification Number he was again transferred to GMS Banda Pir Khan from GMS Banseri and that too on stop gap arrangement against a non sanctioned post. *Copies of impugned*

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 ADDITIONAL REGISTRAR
 PESHAWAR HIGH COURT
 ABBOTABAD BENCH
 10/1/22

(4)

notifications dated 31-01-2022 are attached as Annexure D-1, D-2.

8. That feeling aggrieved, the appellant filed departmental appeal to respondent no 2 on 1-02-2022 which is yet to be replied by respondent no.1. *Copy of Departmental Representation is attached as Annexure E* Therefore, the instant Writ Petition is filed inter alia on the following grounds:

GROUND

A. That it is settled law that in the absence of legislation, the tenure of the petitioner cannot be curtailed in the exercise of administrative powers, which in the instant case was done through an illegal impugned notification; a manifest display of arbitrary exercise of power. Reliance is placed on **Badshah Gulwazir v Government of KPK reported as 2015 SCMR 43.**

B. That even though the transfer and posting are policy decision of the government and in the policy decision the government is the best judge and it is not for the court to sit in policy matter unless it appears to be arbitrary or abuse of process of law. The in instant case, where the transfer of the petitioner took place thrice in less than two weeks is a textbook

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ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTABAD BENCH

5

example of an arbitrary exercise of power. In this regard reliance is placed on the case of Peer Muhammad v. Government of Balochistan 2007 SCMR 54.

C. That the superior Courts have held that frequent postings and transfer impede the smooth functioning of the government and undermine the independence of the state officials or public servants. Reliance is placed on Abdul Nabi Sasol v Government of Balochistan reported as 2020 PLC (CS) 759.

D. That the august Supreme Court in the case of "Mahmood Akhtar Naqvi v. Federation of Pakistan" (PLD 2013 SC 195), commonly known as Ms. Anita Turab's case, held as under:

"(i) Appointments, Removals and Promotions: Appointments, removals and promotions must be competent made in accordance with the law and the rules made thereunder; where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

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PESHAWAR HIGH COURT
ABBOTTABAD BENCH
10/11/22

(ii) Tenure, posting and transfer: When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable?"

The impugned notification is a patent derogation from the principles enunciated in the Anita Turab Case

E. That the superior Courts have held that notification of postings/transfers without due process of deliberations is the root cause of poor governance and the instant notification amplifies poor governance and whimsical display of discretion. Reliance is placed on **Munir Ahmed Khan Kakkar v Province of Baluchistan reported PLD 2020 Baluchistan 58.**

F. That in the Hajj Corruption Case, the august Supreme Court reiterated its earlier ruling in **Zahid Akhtar v. Government of Punjab (PLD 1995 SC 530)**, where it had been held that "the normal period of posting of a Government servant at a station, according to Rule 21 of the Rules of Business is three years, which has to be followed in the ordinary circumstances, unless for reasons or exigencies of service a

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ABBOTTABAD BENCH
20/11/22

transfer before expiry of the said period becomes necessary in the opinion of the competent authority." In the instant case, there is no speaking order that justifies the principles laid down by the august Supreme Court.

G. That the impugned order passed by the authorized officer lacks application of mind and derogates from the settled principled developed by the superior Courts under section 24A of the General Clauses Act, 1897.

H. That the impugned notifications passed by respondent No.1 are based on malafide hence are liable to be set aside.

I. That as per the EstaCode the tenure of posting/transfer is three years for the settled areas and two years for the hard areas. The instant impugned notification is a clear violation of the posting/transfer policy of the Government of KPK..

J. That the transfer and posting of the petitioner after the ban of Election Commission of Pakistan is illegal unlawful against the rules and directions of Elections Commission of Pakistan as the directions of ECP are to ensure the process of electioneering to be done in accordance to the law . That it develops a suspicion that abrupt and hasty transfer of the petitioner and bringing someone else instead, is politically

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ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
20/7/22

④

motivated and done in order to influence the upcoming local body elections. Hence , raising doubts on the fairness and freeness of the elections.

K. That it is an inalienable right of the petitioner to enjoy equal protection of law and to be treated in accordance with law per the mandate of Article 4 of the Constitution. The expression "law" has been liberally interpreted by the superior Courts and includes that Government Departments to comply with the requirements of law while making transfer/posting orders.

L. That the superior Courts have consistently held that Article 9 of the Constitution has a wide import. It simply does not cater to the life on vegetative stage, but in fact, it includes, all the amenities, essentials, things and means necessary to live a fuller and a healthy life. A gainful employment as well as posting on the tenured post is legitimately attracted within the purview of Article 9 of the Constitution.

M. That it is the fundamental right of the petitioner to enter upon any lawful profession or occupation and have a secured source of livelihood in accordance with the mandate of Article 18 of the Constitution. The said right can only be regulated by imposing reasonable restrictions as envisaged in

FILED 20/11/2014
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
20/11/2014

the proviso provided under Article 18 of the Constitution. In the instant matter, the petitioner right under Article 18 to have a secured source of livelihood has been completely usurped and no reasonable explanation has been rendered by the Authority to the petitioners for ignoring their legitimate claims.

N. That the impugned action of the Authority is violative of Article 25 of the Constitution as similarly placed and circumstanced employees in other were not meted out with the same treatment. The discrimination, needless to add, is not illustrative of any intelligible differentia based on reasonable classification.

O. That the superior Courts have consistently held that the seven instruments that are most useful in structuring of discretionary power are: open plans, open policy statements, open rules, open findings, open reasons, open precedents and fair and informal procedures. In the instant matter, the impugned notification violates the principles developed by the superior Courts on the exercise of discretion.

P. That it is settled law that no superstructure can be raised on an illegal order and no valuable rights accrue therefrom.

~~FILED~~
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ARROT JABAD BENCH
9/10/72

Q. That the petitioner approaches this honorable Court with *bona fide* intention. Furthermore, no other adequate and efficacious remedy is available to the petitioner as Service Tribunal is Dysfunctional due to non-availability of its Chairman, except the invoking of the constitutional jurisdiction of this honorable Court, hence the instant petition.

R. That the petitioner, seeks leave, to raise further grounds at the time of submissions before this honorable Court.

S. That this Honourbale court has jurisdiction to adjudicate upon the matter.

T. That the Petitioner reserves the right to submit further grounds at the bar, at any subsequent stage in the proceedings.

U. That notice/information of filing of the instant writ petition against the respondents has duly been served through registered post. **Copies of notices and receipts thereof are attached as Annexure "E".**

V. That court fee stamp paper worth Rs 500/- is affixed.

FILED
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
[Signature]

P R A Y E R

That in the light of the foregoing, it is most respectfully prayed that the instant petition may be allowed, granting the following relief sought against respondent:

- A. **Declare** that the impugned notification No.830-36/E-I/SSTs dated 31-01/2022 is illegal, ultra vires and of no legal effect;
- B. **Direct** the respondent No.3 to allow the petitioner to complete his tenure at GMS Banda Dilazak against the sanctioned post. as mandated by law;
- C. **Award costs of the petition.**

Any other and better relief that this honorable Court deems just and appropriate in the circumstances may also be granted.

INTERIM RELIEF-

- D. *Mean while the operation of the impugned notifications 830-36/E-I/SSTs dated 31-01-2022 be suspended till the final disposal of the case and no adverse order shall be passed against the petitioner;*

Through Counsel:-

.....PETITIONER

WAQAR ORAKZAI

Advocate High Court, Abbottabad

VERIFICATION:-

Verified that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.

...PETITIONERS

FILED TODAY
ADDITIONAL REGISTRAR
PENJABER HIGH COURT
ABBOTTABAD BENCH
21/07/22

(2)

IN THE LAHORE HIGH COURT RAWALPINDI BENCH,
RAWALPINDI.

W.P No. 201 / 2017 ~~22~~

Abdul Shakoor

Vs.

GOVT OF KPK & others

WRIT PETITION

AFFIDAVIT

I, **Abdul Shakoor Son of Malik Aman resident of Near Ayub Medical College Mohallah Usamanabad Abbottabad**, do hereby solemnly affirm and declare that the contents of enclosed Writ Petition are true and correct to the best of my knowledge and belief and nothing has been kept concealed there from.

Deponent

Verified on oath at abbottabad on this ____ day of 09 FEB 2022 that the contents of my above affidavit are true and correct to the best of my knowledge and belief and nothing has been kept concealed or misrepresented.

13503-0493701-9

Deponent

Case No. 283/193 Pet No. 193
Filed on 9 Feb 22
Abdul Shakoor, S/O Malik Aman
Near Ayub Medical College
Mohallah Usamanabad Abbottabad

9/2/22

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
9/2/22

**BEFORE THE HONOURABLE PESHAWAR
HIGH COURT, ABBOTTABAD BENCH**

Writ Petition No. 201 /2022

Abdul Shakoor

.....PETITIONER

VERSUS

*Govt of KPK through its Secretary Elementary and Secondary Education
Department , Secretariat Peshawar and others*

RESPONDENTS

WRIT PETITION

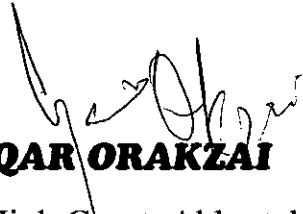
CERTIFICATE

*Certified that no such like writ petition has earlier been
filed before this Honourable Court by the petitioner. This writ
petition may please be fixed before Divisional Bench of this
Honourable Court.*

*It is further certified that notice of writ petition alongwith
grounds of writ has been dispatched to the respondents.*

.....PETITIONER

Through Counsel:-



WAQAR ORAKZAI

Advocate High Court, Abbottabad

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
40/2/22

**BEFORE THE HONOURABLE PESHAWAR
HIGH COURT, ABBOTTABAD BENCH**

Writ Petition No. 201 /2022

Abdul Shakoor

.....PETITIONER

VERSUS

*Govt of KPK through its Secretary Elementary and Secondary Education
Department , Secretariat Peshawar and others*

RESPONDENTS

WRIT PETITION

LIST OF BOOKS

- 1. Constitution of Islamic Republic of Pakistan, 1973
- 2.
- 3. Other relevant case law will be cited at the bar.

.....PETITIONER

Through Counsel:-

WAQAR ORAKZAI

Advocate High Court, Abbottabad

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
21/07/22

**BEFORE THE HONOURABLE PESHAWAR
HIGH COURT, ABBOTTABAD BENCH**

Writ Petition No. _____ /2022

Abdul Shakoor

.....PETITIONER

VERSUS

*Govt of KPK through its Secretary Elementary and Secondary Education
Department , Secretariat Peshawar and others*

RESPONDENTS

WRIT PETITION

ADDRESSES OF THE PARTIES

Respectfully Sheweth;-

Addresses of the parties is as under;-

Correctly mentioned in main writ petition

.....PETITIONER

Through Counsel:-



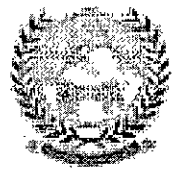
WAQAR ORAKZAI

Advocate High Court, Abbottabad

ABBOTTABAD
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
4/10/22

16
Dist. Govt. KP-Provincial
District Accounts Office Abbotabad
Monthly Salary Statement (July-2020)

ANNEXURE 'A'



Personal Information of Mr ABDUL SHAKOOR d/w/s of MALIK AMAN

Personnel Number: 00096370 CNIC: 1350304937019 NTN: 7147528-7
Date of Birth: 10.05.1983 Entry into Govt. Service: 04.12.2003 Length of Service: 16 Years 07 Months 029 Days

Employment Category: Active Temporary

Designation: SECONDARY SCHOOL TEACHER 80000400-DISTRICT GOVERNMENT KHYBE

DDO Code: AD6060-GHS KUTHIALA

Payroll Section: 003 GPF Section: 001 Cash Center: 18

GPF A/C No: 96370 Interest Applied: Yes **GPF Balance:** 435,782.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 12

Wage type		Amount	Wage type		Amount
0001	Basic Pay	37,150.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1947	Medical Allow 15% (16-22)	1,500.00
1968	Incentive Allowance 20%	1,500.00	2148	15% Adhoc Relief All-2013	700.00
2199	Adhoc Relief Allow @10%	478.00	2211	Adhoc Relief All 2016 10%	2,484.00
2224	Adhoc Relief All 2017 10%	3,715.00	2247	Adhoc Relief All 2018 10%	3,715.00
2264	Adhoc Relief All 2019 10%	3,715.00	5096	Adj Incentive Allowance	4,500.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-490.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 7,835.35 Recovered till JUL-2020: 490.00 Exempted: 1958.54 Recoverable: 5,386.81

Gross Pay (Rs.): 67,184.00 Deductions: (Rs.): -5,430.00 Net Pay: (Rs.): 61,754.00

Payee Name: ABDUL SHAKOOR

Account Number: 9321-7

Bank Details: NATIONAL BANK OF PAKISTAN, 231348 MANDIAN BRANCH MANDIAN BRANCH, ABBOTTABAD

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: AYUB MEDICAL COOLEGE ABBOTTABAD

City: ABBOTTABAD

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: abdulshakoor4pak@gmail.com

13

ANNEXURE "B"

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.

TRANSFER ORDER.

The transfer of following SSTs are hereby ordered on their own pay & BPS as recorded against their names in the interest of public service with effect from the date of taking over charge.

S. No	Name / Designation	From	To	Remarks
1	Mr. Abdul Shakoor SST (G)	GMS Banseri A/Abad.	GMS Banda Dilazak. ATD.	Vice Mr. Muhammad Mehboob SST (G) will be retired from service on 21-2-2022 (AN)
2	Mr. Zia-ul-Haq SST (G)	GMS Banota Abbottabad.	GMS Banseri Abbottabad	Vice S.No.1
3	Mr. Muhammad Sabir SST (G)	GMS Batangi Khurd A/Abad.	GMS Banota Abbottabad.	Vice S.No.2

- Note: -
1. Charge report should be submitted to all concerned.
 2. No TA/DA & T/G is allowed.
 3. S.No.1 to 3 will took over charge on 21-02-2022. (A.N)

Sd-----
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 507-13 /EB-I/SSTs/F.No.108 Dated A/Abad the 19/01 /2022.

Copy for information to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Comptroller of Accounts Abbottabad.
3. District Monitoring Officer (EMA) Abbottabad.
4. Principal/Head Master of concerned GHSS/GHS/GMS.
5. Budget & Accounts Officer Local Office.
6. AP EMIS branch local office.
7. Teachers concerned.


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

18

ANNEXURE 'C'

S.No	District Returning Officer	S.No	Returning Office.	S.No	Assistant Returning Officer	Jurisdiction
1	2	3	4	5	6	7
18	Mr. Muhammad Asif, Deputy Commissioner, Kotla Palas	253	Mr. Abdur Rahman, Head Master, GHSS, Bathira	318	Mr. Abdul Ghafoor, SST, GHSS, Maidan Kolai	1. VC Jilla Kolai 2. VC Mada Khel Abad 3. VC Jabba Mada Khel 4. VC Mareen 5. VC Khasri Mareen 6. VC Bataira Pain 7. VC Bar Masham 8. VC Bataira Bala 9. VC Dil Kandao 10. VC Kolai 11. VC Hajabad Kolai 12. VC Shemyal Maidan Kolai

2. To ensure that elections to the local governments are conducted honestly, justly, fairly in accordance with law and to ensure that the corrupt practices are guarded against, the Election Commission of Pakistan directs that no transfers/postings of the Government officers and Officials including Autonomous Bodies/Authorities, appointed as DROs, ROs and AROs shall be made without prior approval of the Commission till further orders.

By the order of the Election Commission of Pakistan

To
The Manager,
Printing Corporation of Pakistan Press,
ISLAMABAD

(NAVEED-UR-REHMAN)
Deputy Director (LGE-KP)

20/01/21

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

(19)

ANMERK'E 'DL'

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.

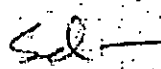
OFFICE ORDER.

The adjustment of following SSTs is hereby ordered on their own pay and BPS as recorded against each in the interest of public service with immediate effect.

S.No.	Name & Designation.	From.	To	Remarks.
1	Mr. Abdul Shakoor SST (C)	GMS Banseri under transfer to GMS Banda Dilazak ATD.	GHS Jhangi Abbottabad.	On Stop-gap arrangement till further order.
2	Mr. Sald Umor SST (C)	GHS Tarnawai Abbottabad.	GMS Banda Dilazak Abbottabad	Vice S.No.1

Notes:-

1. Charge report should be submitted to all concerned.
2. No TA/DA & T/C is allowed.
3. S.No.2 will take over charge on 21-02-2022 (A.N)


 DISTRICT EDUCATION OFFICER (M)
 ABBOTTABAD

Ends No. 830-36 / EB-1/SSTs Dated Abbottabad the 31-01-2022

Copy for information to:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Comptroller of Accounts Abbottabad
3. District Monitoring Officer (EMA) Abbottabad
4. Principal GHS Tarnawai Abbottabad
5. Budget & Accounts Officer Local Office
6. Head Master GMS Banseri & GMS Banota Abbottabad
7. AP EMIS branch local office
8. Teachers concerned.


 DISTRICT EDUCATION OFFICER (M)
 ABBOTTABAD
 31/01/22

(29) ANNEXURE 'D2'

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.


OFFICE ORDER.

The adjustment of following SSTs is hereby ordered on their own pay and BPS as recorded against each in the interest of public service with immediate effect.

S.No.	Name & Designation.	From.	To	Remarks.
1	Mr. Abdul Shakoor SST (G)	GMS Banseri under transfer to GMS Banda Dilazak ATD.	GHS Banda Pir Khan Abbottabad.	On Stop-gap arrangement till further order.
2	Mr. Said Umer SST (G)	GHS Tarnawai Abbottabad.	GMS Banda Dilazak Abbottabad	Vice S.No.1

Note:-

1. Charge report should be submitted to all concerned.
2. No TA/DA & T/G is allowed.
3. S.No.2 will took over charge on 21-02-2022 (A.N)


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

Endst No. 830-36 / EB-I/SSTs Dated Abbottabad the 31/01 /2022.

Copy for information to:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Comptroller of Accounts Abbottabad.
3. District Monitoring Officer (EMA) Abbottabad.
4. Principal GHS Tarnawai & GHS Banda Pir Khan Abbottabad.
5. Budget & Accounts Officer Local Office.
6. Head Master GMS Banseri & GMS Banota Abbottabad.
7. AP EMIS branch local office.
8. Teachers concerned.


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

خدمت جناب ڈائریکٹر صاحب ایلیمینٹری اینڈ سکینڈری ایجوکیشن خیبر پختونخوا ایشاور

اپیل:- برائے بحالی تادلہ آرڈر نمبر 13-507 مورخہ 19-01-2022

جناب عالی!

گزارش ہیکہ سائل گورنمنٹ مڈل سکول بن سیری ایبٹ آباد میں SST(G) کی پوسٹ پر اپنے فرائض منصبی ادا کر رہا ہے۔ سائل نے گورنمنٹ مڈل سکول بانڈہ دلازاک ایبٹ آباد میں خالی ہونے والی SST(G) کی پوسٹ پر مورخہ 06-01-2022 کو تادلہ کی درخواست دی جس کی روشنی میں سائل کو مورخہ 19-01-2022 آرڈر نمبر 13-507 کے مطابق گورنمنٹ مڈل سکول بانڈہ دلازاک ایبٹ آباد میں تبدیل کر دیا گیا۔ سائل نے آرڈر وصول کیا اور اپنی Arrival Report ڈائری نمبر 730 مورخہ 03-02-2022 کو DEO آفس میں جمع کروائی جبکہ مورخہ 08-02-2022 کو آرڈر نمبر 36-830 جاری شدہ 31-01-2022 کے تحت سائل کو پہلے On stop gap arrangement میں On stop gap arrangement پر تبدیل کر دیا اور پھر اسی دن On stop gap arrangement پر GHS بانڈہ پیرخان تبدیل کر دیا گیا۔ جبکہ گورنمنٹ مڈل سکول بانڈہ دلازاک ایبٹ آباد میں کسی اور کا آرڈر کر دیا گیا جس سے سائل شدید ذہنی کوفت کا شکار ہوا اور سائل کے ساتھ نا انصافی ہوئی۔ آپ سے گزارش کی جاتی ہیکہ سائل کو آرڈر نمبر 13-507 مورخہ 19-01-2022 کے مطابق گورنمنٹ مڈل سکول بانڈہ دلازاک ایبٹ آباد میں بحال کیا جائے اور مورخہ 31-01-2022 کہ آرڈر نمبر 36-830 کی مندرجہ بالا تمام صورتوں کو کنسل کیا جائے تاکہ سائل احسن طریقے سے اپنے فرائض ادا کر سکے۔ سائل تاحیات آپ کا مشکور رہے گا۔

المرقوم: 07-02-2022

العـارـض

عبدالشکور SST(G) / ہیڈ ماسٹر گورنمنٹ مڈل سکول بن سیری

ڈاکخانہ بائیں نورہ تحصیل ضلع ایبٹ آباد۔

شناختی کارڈ نمبر 9-13503-0493701

رابطہ نمبر: 0322-9909177 , 03315746737

09/02/2022
HEAD MASTER
Govt. Middle School
Banseri Abbottabad

نوٹ:- تمام ٹرانسفر آرڈر کی نقول درخواست ہذا کے ساتھ منسلک ہیں۔

22

OFFICE OF WAQAR ORAKZAI

Advocates High Court Abbottabad
Office at District Courts Abbottabad

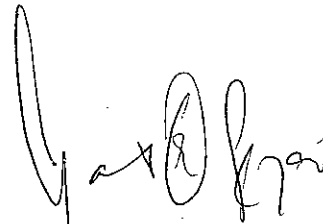
To

- ✓ 1. **Government of KPK** through its Secretary Elementary and Secondary Education Department , Secretariat Peshawar.
2. **Director**, Elementary & Secondary Education Department Peshawar .
3. **District Education Officer Male** District Abbottabad.

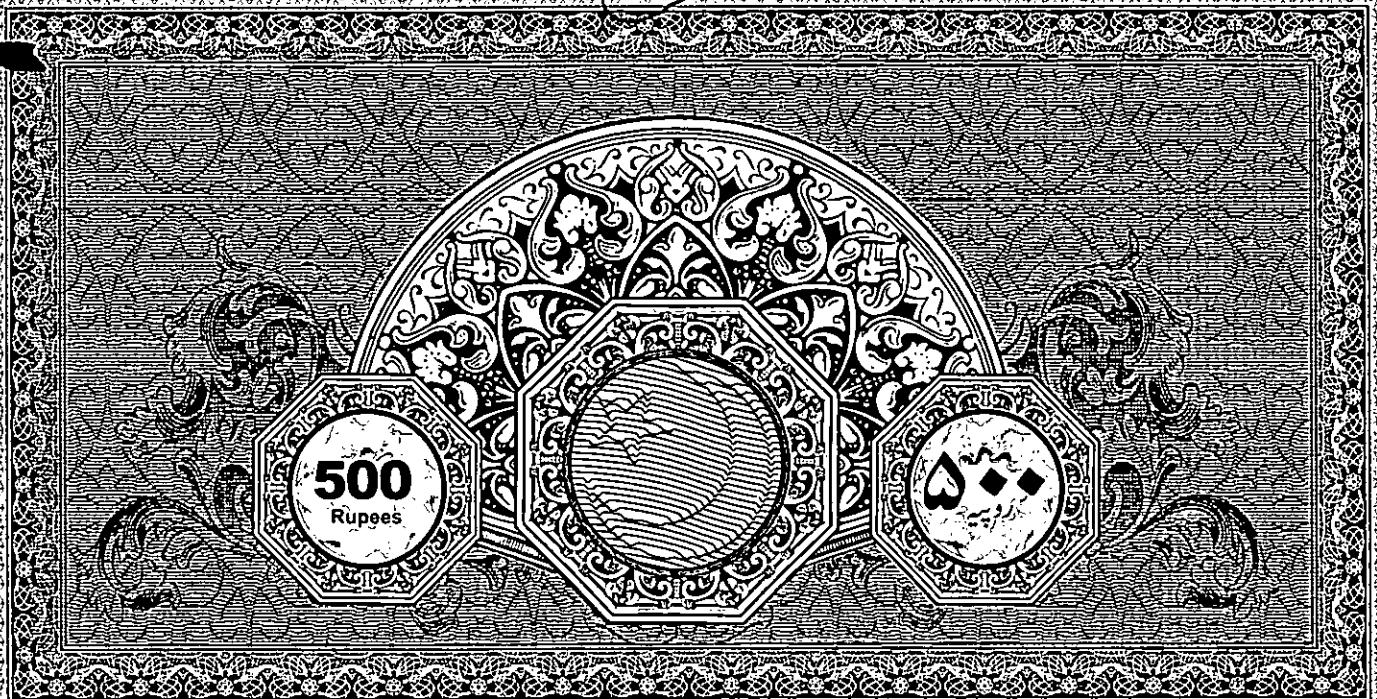
Subject: **NOTICE OF FILING OF WRIT PETITION.**

On the advice of my clients **Abdul Shakoor S/o Malik Aman**, R/o Near Ayub Medical College Mohalla Usmanabad Abbottabad., a writ petition is being filed before the Honourable Peshawar High Court, Abbottabad Bench. A notice/ intimation of the same is being sent to you for information/ necessary action under the law. Copy of writ petition is attached herewith.

Dated: 10/02/2022



(WAQAR ORAKZAI)
Advocate High Court, Abbottabad



500
Rupees

PAKISTAN COURT FEE

ABDUL SHAKOOR vs Govt of PPK

CANCELLED

CANCELLED

CANCELLED

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

4/10/77

13109-4350045
محمد بن عبد الله
محمد بن عبد الله

2008 = 500 = 1
11/02/2022

ISSUED STAMPS TO
STAMP VENDORS
09 FEB 2022
TREASURY OFFICE
ABBOTABAD.

Handwritten text, possibly a signature or date, partially obscured.



THE
PESHAWAR HIGH COURT
ABBOTTABAD BENCH.

PH: 0992-9310058
FAX: 0992-9310055

No: 695-L-696

Dated Abbottabad 17/2 /2022

From

The Additional Registrar,
Peshawar High Court,
Abbottabad Bench.

To

1. The Director,
Elementary & Secondary Education Department,
Peshawar.
2. The District Education Officer (Male),
Abbottabad.

Subject: **WRIT PETITION NO. 201-A/2022.**

Abdul Shakoor

Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa & others

Respondents

Memo,

Reproduce order of the Honourable Division Bench dated 15.02.2022 passed in the subject writ petition for compliance.

“Comments be called from the respondents No.2 and 3, so as to reach this Court within a week. Adjourned to 23.02.2022.”

Interim Relief:

Notice for 23.02.2022. As the Service Tribunal is not functional, therefore, the impugned transfer order of the petitioner shall remain suspended, till the date fixed.”

In the light of above order you are directed to submit your comments in quadruplicate duly supported by an attested affidavit before the date fixed i.e 23.03.2022.

As the subject case is fixed before Honourable Court D.B on 23.02.2022 for hearing.

(Copy of writ petition has already been sent by petitioner/ Counsel vide Registered Receipt dated 10.02.2022. The same has already been received by the Additional Advocate General, from where the same can be obtained.)

S. Akhtar
(Additional Registrar)

Other Bar ADV's I.D No. _____

Out Station

BC  _____

Place of Practice _____

Name of Advocate WARAR ORAKZAI

00113

S. No _____



وکالت نامہ

ایشاد رہائی کورٹ ایبٹ آباد

بعدالت: _____
عنوان: صدر انسٹور بنام گورنمنٹ آف ٹی کے وغیرہمخانب: Petitioner نوعیت مقدمہ: Writ

باعث تحریر آنکھ:

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایبٹ آباد کے لیے

وقار اور کنزٹی اسٹوکیٹ ہائی کورٹ ایبٹ آباد

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہونگے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے آیا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے اور مقدمہ کچہری کے علاوہ کسی اور جگہ ساعت ہونے یا بروز تعطیل یا کچہری کے اوقات سے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانہ دینے کے ذمہ دار نہ ہونگے اور صاحب موصوف ذمہ دار نہ ہونگے۔ مجھ کو کل ساختہ پر داختم صاحب موصوف مش کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل انگریزی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا یکطرفہ درخواست حکم استثنائی یا قرقنی یا گرفتاری ٹیل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ جمانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانب التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 10-10-2022

دن مہینہ سال

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

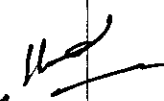

لہذا وکالت نامہ لکھ دیا ہے کہ سندر۔

مضمون وکالت نامہ منجانب سے لکھا گیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Approved
Accepted

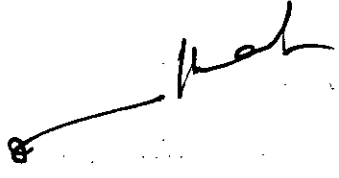

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
15.02.2022	<p><u>W.P.No.201-A/2022.</u></p> <p>Present: Mr. Waqar Orakzai, Advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p>Comments be called from the respondents No.2 and 3, so as to reach this court within a week.</p> <p>Adjourned to 23.02.2022.</p> <p><u>INTERIM RELIEF.</u></p> <p>Notice for 23.02.2022. As the Service Tribunal is not functional, therefore, the impugned transfer order of the petitioner shall remain suspended till the date fixed.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

SCANNED

PESHAWAR HIGH COURT,
ABBOTTABAD BENCH
FORM 'A'
FORM OF ORDER SHEET

Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES
1	2
23.02.2022	<p><u>WP NO. 201-A/2022</u></p> <p>Present:- Mr. Waqar Orakzai, Advocate for the petitioner.</p> <p>***</p> <p>Service Tribunal is still not functional, therefore, adjourned to a date in office. Meanwhile, the order under interim relief dated 15.02.2022, shall remain in field.</p> <p> JUDGE</p> <p> JUDGE</p>

SCANNED