

12.03.2021

Petitioner alongwith counsel present.

Respondents be put on notice for 14/04/2021 before D.B.



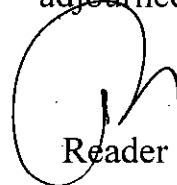
(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

14.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 03.06.2021 for the same as before.



Reader

03.06.2021

Petitioner present through counsel.

Notice of the instant petition, be issued to respondents for reply. To come up for reply/arguments on 08.06.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

08.06.2021

Petitioner present with counsel

Muhammad Rasheed learned D.D.A for respondents present.

File to come up alongwith service appeal No.13576/20 filed by the petitioner, on 25.06.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

FORM OF ORDER SHEET

Court of _____

C.O.C No. 51243 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14.01.2021	<p>The C.O.C Application submitted by Syed Awan Ali Shah through Mr. Safdar Iqbal Khattak Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> <p>This C.O.C Application be put up before S. Bench on <u>12/02/21</u></p> <p>(Nemo for petitioner)</p> <p>(Counsel are on strike. To come up on 12.03.2021 before S.B.)</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p> <p style="text-align: right;">(Rozina Rehman) Member (J)</p>
2-	<p>2.02.2021</p> <p>12.02.2021</p>	<p>Nemo for petitioner.</p> <p>Counsel are on strike. To come up on 12.03.2021 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (Rozina Rehman) Member (J)</p>

S/A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Misc. Application No. _____/2021

for Contempt of Court

IN

S.A.No.13576/2020

Syed Awan Ali Shah Petitioner

Versus

Faridullah, District Education Officer,

District Orakzai at District Hangu and another..Respondents

INDEX

Sr#	Description of documents.	Annexure	Pages.
1.	Contempt application.		
2..	Copy of the S.A		
3.	Copy of the order dated 30.11.2020		
4.	Wakalatnama		


Petitioner

Through


Safdar Iqbal Khattak
Advocate High Court

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



Misc. Application No. 20213 /2021

for Contempt of Court

IN

S.A.No.13576/2020

Syed Awan Ali Shah S/o Syed Zamin Jan

R/o Caste Bar Muhammad Khel,

District Lower Orakzai..... Petitioner

Versus

1) Faridullah, District Education Officer, District Orakzai
at District Hangu.

2) Abdul Malik Assistant District Education Officer
Tehsil & District Orakzai at District Hangu.

..... Respondents

**APPLICATION U/S 3/4 OF THE CONTEMPT
OF COURT ORDINANCE, 2003, R/W
ARTICLE 204 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN, 1973,
FOR INITIATING THE CONTEMPT OF
COURT PROCEEDINGS AGAINST THE
RESPONDENTS.**

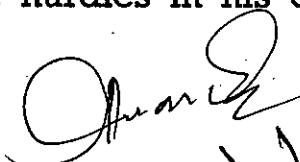
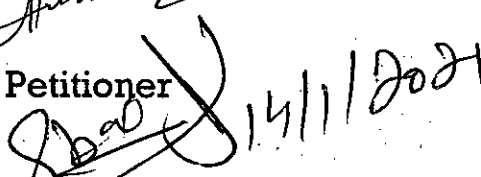
Respectfully Sheweth:

- 1) That the Service appeal No.13576/220 is pending before this hon'ble Tribunal and next date of hearing is fixed for 25.01.2021. (Copy of the S.A is attached)

- 2) That this hon'ble tribunal vide his order dated 30.11.2020 suspended the impugned notification bearing endorsement No.887-92/A-12/E-7 dated 27.07.2020. (Copy of the order dated 30.11.2020 is attached)
- 3) That on the next date i.e. 01.12.2020, at evening time, the petitioner delivered the above mentioned order to the respondent No.1, in his office.
- 4) That as accordingly the petitioner continued his job and make in attendance till 09.12.2020, but on 10.12.2020, the respondent No.1 stopped the applicant from his official duty on the behest of the respondent No.2 and they not only used abusive language to the applicant, but given serious threats of the dire consequences and they categorically stated that we not obey/ comply of the order of this hon'ble Tribunal and even of Supreme Court of Pakistan.
- 5) That the act of the respondents for not comply the order of this Hon'ble Tribunal i.e. 30.11.2020, and they forcibly stopped the applicant from his official duty is clear cut amounts to contempt of Court.
- 6) That the aforesaid act of the respondents is totally illegal, is in total disregard to the order dated 30.11.2020.
- 7) That in the circumstances, the respondent has committed gross violation of the order passed by this hon'ble Tribunal and has exposed themselves for contempt of Court proceedings.

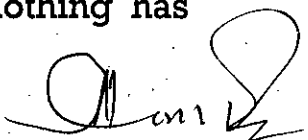
- 8) That any additional grounds will be raised at the time of arguments with the permission of this hon'ble Tribunal.

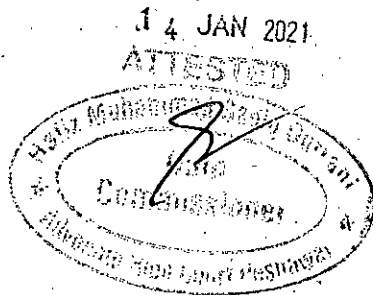
It is, therefore, humbly prayed that on acceptance of this application the contempt of Court proceedings may kindly be initiated against the respondents and they may kindly be summoned personally and punish according to law and consequently they may further directed not to create hurdles in his official duty till further order.

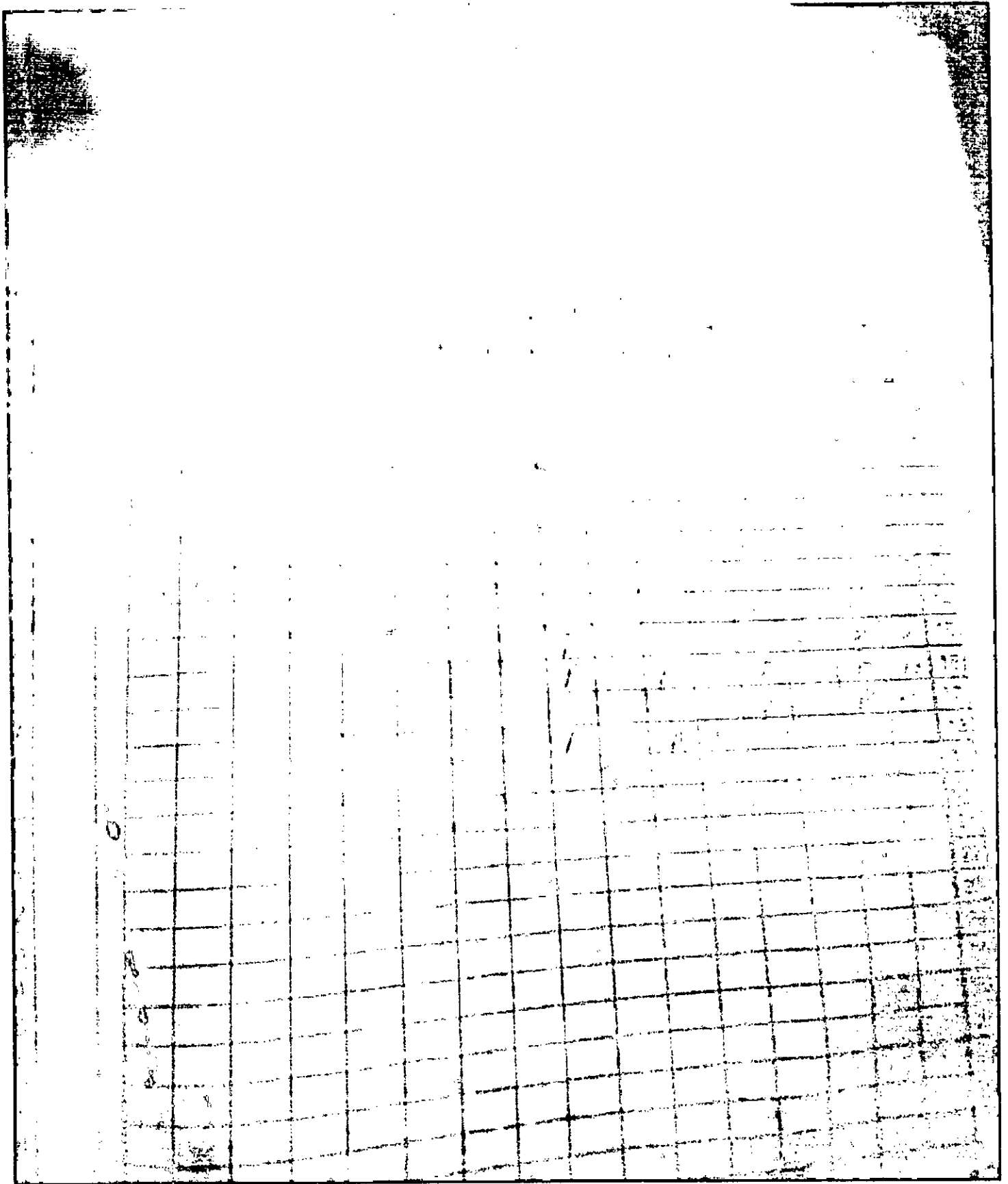

Petitioner
Through  14/1/2021
Safdar Iqbal Khattak
Advocate High Court

AFFIDAVIT

I, Syed Awan Ali Shah S/o Syed Zamin Jan R/o Caste Bar Muhammad Khel, District Lower Orakzai (Petitioner), do hereby affirm and declare on oath that the contents of the accompanying **Contempt Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent





فیزیکی افسر
Physical Supervisor

2020 سال نو

چوکیدو
Chowkidar

نور محمد
N/O

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SUNDAY

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**



13576
S.A. No. _____/2020

Khyber Pakhtunkhwa
Service Tribunal

Discrey No. 10072

Dated 10/9/2020

Syed Awan Ali Shah son of Syed Zamin Jan
R/o caste Bar Muhammad Khel, Tapa Baba Nawasi
Kharki, P.O. Kurez, Tehsil Lower District Orakzai

.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary
Education, Civil Secretariat, Peshawar.

Director Elementary and Secondary Education, near
GHSS No.1, G.T. Road, Peshawar.

3. District Education Officer, Orakzai at Hangu

Deputy Director (Estb) Merged Districts

..... Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974.**

RESPECTFULLY SHEWETH:-

Filed to-day
Registrar
10/9/2020

1. That appellant was initially appointed as Physical
Education Teacher (BPS-15) on 02.09.2005 in G.M.S.
Avimela District Orakzai. (Copy of appointment order is
attached as Annexure "A").

Re-submitted to -day
and filed.

Registrar
3/11/2020

2. That on 10.02.2020 the appellant submitted an
application to the respondent No.2 for his transfer from
GHS Avimela to the office of District Education Officer,

30.11.2020

Appellant in person alongwith Mr. Safdar Iqbal Khattak, Advocate, are present.

Learned counsel for the appellant contends that the transfer order made on 02.06.2020 was later on withdrawn by virtue of notification dated 02.07.2020 which is contrary to the posting transfer policy as in vogue in the province however, since the post is still vacant, therefore, neither he has relinquished the charge nor he has been relieved there from and he stressed that the order so made was the result of extraneous pressure emanating from a political figure/office holder, calling in question the very order in the departmental appeal but it proved ineffective thus paving way for the instant service appeal.

The points so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 21.01.2021 before S.B.


In the meanwhile the operation of the impugned notification bearing endorsement No. 887-92/A-12/E-7 dated 02.07.2020 shall remain suspended if not already acted upon till the date fixed.

Certified to be true copy

FILED IN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Date of Presentation of Application 30-11-20
Number of Pages 800
Copying Fee 10 -
Urgent 4 -
Total 14 -
Name of Applicant A
Date of Completion of Copy 30-11-20
Date of Delivery of Copy 30-11-20

50	65945	  
ایڈوکیٹ:	سید ارمین	
بار کونسل ایسوسی ایشن نمبر: 10-7969-be	رابطہ نمبر: 0300-5980549	پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب: سروسز ٹریڈیونگ لیمیٹڈ

مخاطب: سید /	دعوی:
سید ارمین علی شاہ	علت نمبر:
بنام	مورخہ:
فریدالذکر وکٹری	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام لے بندر لے کیلئے۔

آن مقام لے بندر لے کیلئے۔ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیر پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ سے کل یا جزوی کارروائی لے کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائے التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی بمقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 14/10/2024

GENERAL COUNCIL
KHYBER PAKHTUNKHWA
ایڈووکیٹ

مقام

Handwritten signature and date: 17/10/2024

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