

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR  
AT CAMP COURT ABBOTTABAD.

Service Appeal No. 1635/2019

Date of institution ..... 03.12.2019

Jahanzeb Khan Gridawar Tehsil Allai District Battagram.

VERSUS

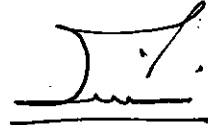
Government of Khyber Pakhtunkhwa, through SMBR Peshawar and three others.

ORDER  
15.10.2021

Mr. Muhammad Arshad Khan Tanoli, Advocate, for the appellant present and stated at the bar that as the appellant has attained the age of superannuation, therefore, he wants to withdraw the instant appeal. In this respect, written endorsement of learned counsel for the appellant obtained at margin of the order sheet.

In view of the above, the appeal in hand stands dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED  
15.10.2021



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

*The appellant has already attained the age of superannuation. Hence, the appeal is withdrawn.*

14.07.2021

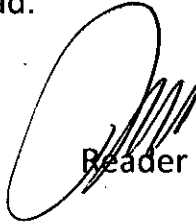
Due to COVID-19, tour to Abbottabad has been cancelled, therefore, case to come up for the same as before on 15.10.2021.

**READER**

Due to covid ,19 case to come up for the same on 16 / 4 / 20  
at camp court abbottabad.

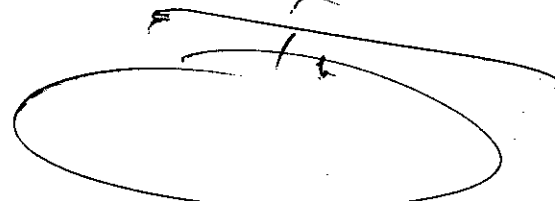
  
Reader

Due to summer vacation case to come up for the same on  
18 / 9 / 20 at camp court abbottabad.

  
Reader

18.09.2020


Appellant has not forth come at the moment i.e 11:30 A.M.  
Clerk of learned counsel Mr. Arshed Khan Tanoli, Advocate is  
present. According to him Mr. Arshed Khan Tanoli, Advocate is  
elsewhere and is not available today at the moment. The request  
so made is acceded to. The appeal is adjourned to 15.12.2020.  
File to come up for preliminary hearing before S.B at Camp  
Court, Abbottabad.



(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT ABBOTTABAD

15.12.2020

Due to Covid-19, case is adjourned  
to 18.03.2021 for the same as before

  
Reader

18.03.2021

Appellant present through counsel.

He made a request for adjournment. Adjourned. To come  
up for preliminary hearing on 14 / 07 / 2021, before S.B at  
Camp Court, Abbottabad.





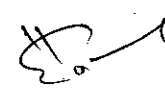
(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

Form- A \

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 1635/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/12/2019	<p>The appeal of Mr. Jehanzeb received today by post through Mr. Muhammad Arshad Khan Tanoli 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 3/12/19</p>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>24-01-20</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	24.01.2020	<p>Clerk to counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 20.03.2020 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> Member Camp Court, A/Abad</p>

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

Service Appeal No. 1635/2019

Jahanzeb Khan Gridawar Tehsil Allai District Battagram.

....APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through SMBR Peshawar & Others.

....RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 7	
2.	Copy of order dated 11/04/2019	8	"A"
3.	Copy of departmental appeal against the order dated 11/04/2019	9 to 10	"B"
4.	Copy of order dated 02/07/2019	11	"C"
5.	Copy of impugned order dated 17/07/2019	12	"D"
6.	Copy of the departmental appeal	13 to 15	"E"

*Jawad*  
....APPELLANT

Through

Dated: \_\_\_\_\_/2019

*(Muhammad Arshad Khan Tanoli)*  
Advocate High Court, Abbottabad

*Muhammad Arshad Khan Tanoli*  
Advocate High Court  
Office No 33 Adjacent to  
Dist Bar Abbottabad

0346-9588583

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

Service Appeal No. 1635 /2019

Jahanzeb Khan Gridawar Tehsil Allai District Battagram.

**....APPELLANT**  
Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 1710  
Dated 03/12/19

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa, through SMBR Peshawar.
2. Commissioner Hazara Division Abbottabad.
3. Deputy Commissioner District Battagram.
4. Muhammad Sharif, Field Qanoongo Circle Bari Allai.

*Battagram -*

**....RESPONDENTS**

**Filed to-day**  
*[Signature]*  
**Registrar**  
3/12/19

**SERVICE APPEAL UNDER SECTION 4 OF**  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 FOR DECLARATION  
TO THE EFFECT THAT THE APPELLANT  
WAS TRANSFERRED FROM BATTAGRAM  
TO CIRCLE BEHARI VIDE ORDER NO. 2602-  
04, DATED 11/04/2019 AND THE SAID ORDER  
WAS RESTORED ON ACCEPTANCE OF THE

DEPARTMENTAL APPEAL VIDE ORDER  
DATED 02/07/2019 JUST AFTER A PERIOD OF  
15 DAYS, THE PETITIONER HAS  
TRANSFERRED FROM CIRCLE BEHARI  
ALLAHI TO DISTRICT BATTAGRAM, VIDE  
ORDER DATED 17/07/2019 AS KANNGO  
BATTAGRAM VIDE IMPUNGED ORDER  
DATED 17/07/2019 IS AGAINST THE LAW  
AND LIABLE TO BE SET-ASIDE.

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**PRAYER:** ON ACCEPTANCE OF THE  
INSTANT SERVICE APPEAL, IMPUGNED  
ORDER NO. 2083-89EC DATED 17/07/2019,  
MAY GRACIOUSLY BE SET-ASIDE AND THE  
RESPONDENTS MAY BE DIRECTED TO  
RESTORE TRANSFER ORDER NO.  
CHP/ESTT./3/4/2339-41 OF THE APPELLANT,  
DATED 02/07/2019. ANY OTHER RELIEF  
WHICH THIS HONOURABLE TRIBUNAL  
DEEMS IN THE CIRCUMSTANCES OF CASE  
APPROPRIATE IN THE CIRCUMSTANCES OF  
THE CASE MAY ALSO BE GRANTED TO THE  
APPELLANT.

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Respectfully Sheweth: -

1. That the appellant was transferred from Circle Behari to Batagram vide order dated 11/04/2019. The copy of order dated 11/04/2019 is annexed as Annexure "A".
2. That the appellant filed Departmental Appeal against the order dated 11/04/2019 before respondent No 2 vide departmental appeal dated 15/04/2019 copy of departmental appeal against the order dated 11/04/2019 is attached as Annexure "B".
3. That on acceptance of the departmental appeal, respondent No 3 was directed to withdraw transfer order dated 11/04/2019 which was withdrawn vide order dated 02/07/2019. Copy of order dated 02/07/2019 is attached as Annexure "C".
4. That after a period of 15 days appellant again been transferred by respondent NO. 3 from circle Bari to District Kanngo Batagram vide impugned order dated



17/07/2019. Copy of impugned order dated 17/07/2019 is annexed as Annexure "D".

5. That again feeling aggrieved, the appellant filed departmental appeal against the order dated 03/08/2019 but the same is yet to be replied by the department. Copy of the departmental appeal is annexed as Annexure "E". Hence, the instant service appeal is filed inter-alia on the following grounds:-

**GROUND:**

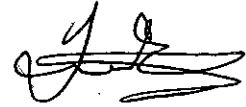
- a) That the appellant is going to be retired from service in the year 2020 and, no Govt. officials could be transferred from near to his place of abode in the year of retirements. Hence the order is liable to be set-aside.
- b) That impugned transfer order 17/07/2019 is premature and is based on malafide intentions and the

respondents' department has accommodated respondent No. 4 who is a blue eyed. Hence impugned order No. 2083-89EC, dated 17/07/2019 is liable to be set-aside.

- c) That the matter in the instant appeal relates to terms and conditions of service, therefore, this tribunal has jurisdiction to entertain this appeal. Besides, service appeal is within the period of limitation.
- d) That there is no other remedy available to the appellant except the invocation of jurisdiction of this Honourable Tribunal.
- e) That other legal and factual points involved in this case shall be agitated before the Honourable Tribunal at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the instant service appeal, impugned

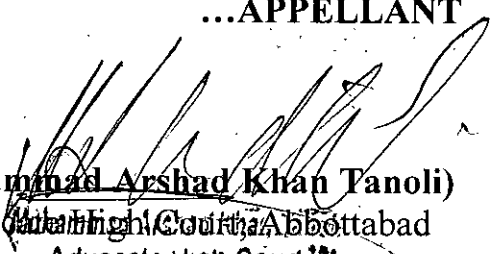
order No. 2083-89EC dated 17/07/2019, may graciously be set-aside and the respondents may be directed to restore transfer order No. CHP/Estt./3/4/2339-41 of the appellant dated 02/07/2019. Any other relief which this Honourable Tribunal deems appropriate may also be granted to the appellant.



...APPELLANT

Dated: \_\_\_\_\_/2019

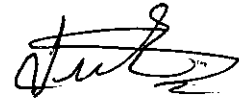
Through



(Muhammad Arshad Khan Tanoli)  
Advocate High Court Abbottabad  
Advocate High Court  
Office No 33 Adjacent to  
Dist Bar Abbottabad

**VERIFICATION: -**

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



...APPELLANT

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

Service Appeal No. \_\_\_\_\_/2019

Jahanzeb Khan Gridawar Tehsil Allai District Battagram.

**....APPELLANT**

**VERSUS**

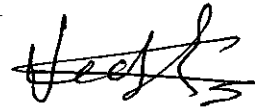
Govt. of Khyber Pakhtunkhwa, through SMBR Peshawar & Others.

**....RESPONDENTS**

**SERVICE APPEAL**

**AFFIDAVIT**

I, Jahanzeb Khan Gridawar Tehsil Allai District Battagram, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



**DEPONENT**

Identified by;



  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

Annex-B

A-9

To

The Commissioner  
Hazara Division  
Abbottabad

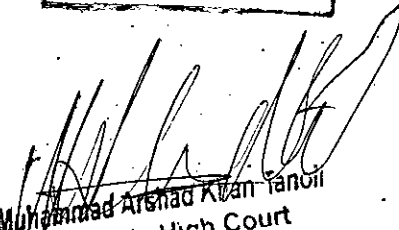
Subject:

DEPARTMENTAL APPEAL AGAINST IMPUGNED  
WITHDRAWAL ORDER NO. 2602-04 DATED 11/04/2019,  
WHEREIN, THE APPELLANTS TRANSFER ORDER NO. 2489-92  
DATED 09/04/2019 HAS BEEN WITHDRAWN.

Sir,

1. Reference is made to withdrawal of transfer order No. 2602-04 dated 11/04/2019. Copy of withdrawal order dated 11/04/2019 is attached as Annexure.
2. It is submitted that the appellant rendered valuable services in the Revenue Department for the last near about 40 years. The appellant served the department with complete devotion and dedication and left no stone unturned in the smooth functioning of the department.
3. That appellant by dint of hard work, got promotion as Girdawar. Hence, the appellant was posted as Naib Tehsildar (OPS) at Pattan Kohistan vide order dated 15/02/2019. Copy of transfer order dated 17/01/2019 is attached.
4. That, thereafter, the appellant has been transferred from the post Naib Tehsildar (OPS) Pattan Kohistan to the office of Deputy Commissioner vide order dated 15/02/2019. Copy of order dated 15/02/2019 is attached.
5. That the appellant was against transferred as field Qandongo Circle Bihari Tehsil Allai vide order dated 09/04/2019 but the same has been withdrawn by the Deputy Commissioner order

**ATTESTED**

  
Muhammad Arshad Khan  
Advocate High Court  
Office No 33 Adjacent to  
Abbottabad

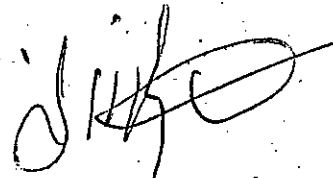
dated 11/04/2019 which is perverse, discriminatory, against the law and without lawful justification and withdrawal order dated 11/04/2019 is liable to be set aside.

P 10


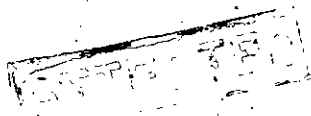
6. That it has been held by the Apex Court in so many cases that frequent transfer is illegal and is always based on mala fide intentions. Hence, the impugned withdrawal order dated 11/04/2019 is not maintainable at law.
7. It is not out of place to mention here that the frequent transfers of the appellant are politically motivated and the withdrawal order dated 11/04/2019 has been issued on the Behest of local political figures.
8. That good governance demands that all the acts particularly the matters of transfer of Civil Servants are to be carried out strictly in accordance with law and procedure as mentioned in the law on the subject.

In view of the above it is prayed that withdrawal order dated 11/04/2019 issued by D.C Battagram may graciously be set aside and transfer order dated 09/04/2019 may be restored and obliged.

Dated: 15/11/2019



JEHANZEB



Muhammad Arshad Khan, Janoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist Bar Abbottabad



OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD

P-V

No: CHD/Est/14/3/ 2339-41  
Dated 2/07/2019

To

The Deputy Commissioner,  
Batagram.

**Annex-C**

Subject: DEPARTMENTAL APPEAL AGAINST IMPUGNED WITHDRAWAL ORDER NO.2602-04 DATED 11/4/2019 WHEREIN THE APPELLANT TRANSFER ORDER NO.2489-92 DATED 09/04/2019 HAS BEEN WITHDRAWN

I am directed to refer to the subject appeal preferred by Mr. Jehanzeb Kanungo District Batagram and to state that Mr. Jehanzeb may be posted as Filed Kanungo Circle Biari District Batagram, please.

Assistant to Commissioner (Rev/GA),  
Hazara Division, Abbottabad.

Endst: No & Date Even

- Copy forwarded for information to the:
1. PS to Commissioner, Hazara Division, Abbottabad.
  2. Mr. Jehanzeb Kanungo District Batagram for compliance.

**ATTESTED**

Muhammad Ahsan Ullah Khan  
Advocate High Court #  
Office No 33 Adjacent to  
Abbottabad

Assistant to Commissioner (Rev/GA),  
Hazara Division, Abbottabad.

Annex-D



DEPUTY COMMISSIONER BATTAGRAM  
(Khyber Pakhtunkhwa)

Deputy Commissioner Battagram

ap.batagram@gamil.com

0997-310136

0997310051



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OFFICE ORDER

The following posting / transfer amongst the Revenue Staff are hereby ordered with immediate effect in the public interest till further orders :-

S.No	Name & Designation	From	To	Remarks
1	Muhammad Sharif Kanungo	Tehsil Office Kanungo Allai	Field Kanungo Circle Biari Allai	Vice S.No.2
2	Jehanzeb , Kanungo	Field Kanungo Circle B iari Allai	Attached with DK Branch	He will perform the duties of DK Branch till the posting of regular DK

Furthermore , Mr.Shafiullah Patwari Haiqa Banna will hold the charge of Tehsil Office Kanungo Allai in addition to his own duties in the public interest till further orders.

Deputy Commissioner,  
Batagram

No. 2083-89 / E.C Dated Batagram the 17/7 / 2019

Copy forwarded to :

1. The Assistant Commissioner Batagram.
2. The Assistant Commissioner, Allai.
3. The Tehsildar Batagram and Allai
4. Officials concerned for compliance.

Deputy Commissioner,  
Batagram

**ATTESTED**

Muhammad Arshad Khan, B.N.O.I  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad



To,

The Commissioner,  
Hazara Division,  
Abbottabad.

Annex-E

P-13

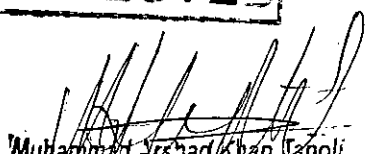
Subject: DEPARTMENTAL APPEAL AGAINST THE  
IMPUGNED TRANSFER ORDER DATED 17/07/2019.

Respected Sir,

With due respect it is stated that,

1. Reference is made to impugned order dated 17/07/2019.  
Copy attached.
2. That it is submitted that the appellant was initially transfer from Circle Behari to Battagram vide order No.2602-04 dated 11/04/2019 against which the appellant filed departmental appeal to your goodself which was accepted.
3. That consequent upon acceptance of departmental appeal by your goodself, the appellant has been transferred as Field Qanoongo from Battagram to Circle Behari vide order dated 02/07/2019. Copy of order dated 02/07/2019 is attached.
4. That after a period of 15 days, the appellant has against been transferred by Deputy Commissioner Battagram from Circle Behari Allai to DK Battagram vide impugned order dated 17/07/2019 which is against the law, premature, against the acceptance of departmental

ATTESTED

  
Muhammad Usman Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist Bar Abbottabad

appeal of the appellant by you. Copy of departmental appeal is attached herewith.

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5. That impugned order dated 17/07/2019 is politically motivated, malafide, against the law because one junior most Patwari Patwar Halqa Banna namely Shafullah has been transferred in place of the appellant which is also against the merit and seniority rules.

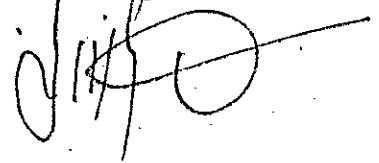
In view of the above it is humbly prayed that on acceptance of the instant service appeal, impugned premature transfer order No.2083-89 dated 17/07/2019 may graciously be ordered to be set-aside and order dated 02/07/2019 of the appellant may be restored and obliged.

Thanking in anticipation

Yours Sincerely,

Dated 03/08/19

Jahanzeb Khan  
Girdawar Teh Appai  
District Battagram



REGISTERED

Muhammad Arshad Khan Janjiri  
Advocate High Court  
Office No 33 Adjacent to  
Distt 3ar Abbottabad

کا-15  
وکالت نامہ

کورٹ فیس

Service Tribunal UPIC Peshawar  
بجالت

جہانزیب علیہ نام Govt et- عنوان:

Appellant منجانب:

Service Appeal نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے جبری و مجاب وہی کل کارروائی متعلقہ آن مقام

Muhammad Akshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
D. J. J. Abbottabad

کو وکیل مقرر کر کے اقرار کیا ہوں کہ صاحب موصوف کی کارروائی کا اصل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقریر نامہ و فیصلہ و حکم کو اپنے اقبال دعویٰ اور بصورت دیگر ذکر کر کے اپنے اجراء

دعویٰ چیک روپیہ و مرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل باقی جبری کارروائی کے لئے کسی اور وکیل یا کار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقریر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو فرچہ و ہرجانہ اتوائے مقدمہ کے سبب ہوگا اس کے ستن وکیل صاحب ہوں گے۔

نیز چھاپا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی قاضی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ جبری مقدمہ مذکورہ کریں اور اگر حکم مقرر کردہ میں کوئی جرم چھاپا ہو تو وکیل صاحب موصوف مقدمہ کی جبری کے پابند ہوں گے۔ نیز درخواست براد استجارت بائس بیضہ مطلق کے دائرہ کرنے اور اس کی جبری کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

بمقام:  
Muhammad Akshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Abbottabad

*(Handwritten signature)*